plant is subject, under rule 1200–3–18–.21, to an emission limit of 100 tons of VOC per year, to have been complied with by December 31, 1982. The matter went to public hearing on January 6, 1982, and August 4, 1983, in Nashville and became state-effective on August 11, 1983. The individual compliance schedule extends the final compliance date for VOC emissions at the Pulaski plant from the December 31, 1982, deadline to January 1, 1985.

Maremont has committed to the development of low-solvent coating and compatible equipment in place of RACT add-on controls to control its VOC emissions. The company has (1) adequately demonstrated the economic burden of RACT add-on controls, (2) specified an alternate compliance plan, and (3) demonstrated phased VOC reductions early in the program, thus satisfying concerns which EPA expressed at the January 6, 1982 public hearing. EPA encourages the use of low-solvent coatings instead of add-on controls where feasible and the Agency generally supports low-solvent coating development programs that are properly documented and which do not interfere with expeditious attainment of National Ambient Air Quality Standards. Since Tennessee's submittal satisfies the above criteria, EPA approves the individual compliance schedule for Maremont's Pulaski facility.

4. Revised SIP Permits for Kingsport Press

Two operating permits issued to Kingsport Press were revised by Tennessee to more accurately specify control equipment. The Kingsport Press facility in Kingsport prints and processes magazines and other publications. The two permits involved here limit the amount of particulate matter that can be emitted from two points—a sanding system with fabric filter control (permit #011468P) and a waste paper handling system with cyclone #8 control (permit #011283P). In reviewing the submittal, a typographical error was detected in condition #4 of both permits. (A reference to "1200–3–16.01(5)(g)(9)" should read "1200–3–16–.1(5)(g) 10.") the remainder of the submittal has been found to be adequate and with the assurance from Tennessee that the error has been corrected, EPA approves the two revised permits for Kingsport Press.

Action. EPA has reviewed these four (4) revisions to the Tennessee SIP and is approving them. This action is taken without prior proposal because the revisions are noncontroversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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 December 18, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

The Director of the office of the Federal Register approved the incorporation by reference of the Tennessee implementation plan on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, intergovernmental relations, ozone, sulfur oxides, nitrogen dioxide, lead, particulate matter, carbon monoxide, hydrocarbons, national parks, wilderness areas.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: October 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. Section 52.2220 is amended by adding paragraph (c)(61) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(61) Material related to a compliance schedule for Maremont Corporation in Pulaski, and two permits for the Kingsport Press in Kingsport, submitted on September 15, 1983, and January 16, 1984, by the Tennessee Department of Health and Environment.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.343 [Amended]

2. In §81.343 the Tennessee—TSP table is amended by removing the first entry for Roane County (downtown Rockwood) and by removing the words "Rest of" from the remaining entry for Roane County.

3. In §81.343 the Tennessee—SO_2 table is amended by removing the first entry for Maury County (Mt. Pleasant) and by removing the words "Rest of" from the remaining entry for Maury County.

[FR Doc. 84–27635 Filed 10–18–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 60

[AD–FRL 2655–7]

Standards of Performance for New Stationary Sources Glass Manufacturing Plants

AGENCY: Environmental Protection Agency [EPA].

ACTION: Final rule.

SUMMARY: This action promulgates amendments to the standards of performance for glass manufacturing plants. The amendments were proposed in the **Federal Register** on November 2, 1983 (48 FR 50670). The amendments provide separate standards for particulate matter emissions from glass melting furnaces using modified processes; exempt experimental glass melting furnaces from the standards; exclude forming channels from the definition of "glass melting furnace" as applied to wool fiberglass and textile fiberglass furnaces; revise the definitions of specific glass recipes to use glass composition; and exempt glass melting furnaces from the numerical emission limits during periods of add-on control maintenance, not to exceed 6 days per year.

Under section 307(b)(1) of the Clean Air Act, judicial review of these amendments to standards of performance is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of

Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Docket. A docket, number A–79–2, containing information considered by EPA in the development of the promulgated amendments for glass manufacturing plants, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

EFFECTIVE DATE: October 19, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Wood, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5578.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 1980, EPA promulgated in the **Federal Register** (45 FR 66742) standards of performance for glass manufacturing plants. Following promulgation of the standards, EPA received petitions to reconsider the standards from PPG Industries, Inc. (PPG); the Glass Packaging Institute, their 18 member companies, 5 other companies, and the Glass Industry Air Quality Group (GPI *et al.*): Owens-Corning Fiberglass Corporation (OCF); Libbey-Owens-Ford Company (LOF); and Ford Motor Company (Ford). EPA reviewed the petitions, acquired new information, and met with the glass manufacturers for additional clarification of the issues. Based on this review of the petitioner's requests, EPA decided to convene a proceeding to reconsider several aspects of the standards. EPA also decided to deny reconsideration of certain other issues raised by the petitioners. A notice of the grant and denial of the petitions for reconsideration and the proposal of amendments was published in the **Federal Register** (48 FR 50670) on November 2, 1983.

Public Participation

An opportunity to request a public hearing was presented in the November 2, 1983, **Federal Register** notice (48 FR 50670). However, no person requested a public hearing. The public comment period was open from November 2, 1983, to January 4, 1984. Six comment letters were received concerning issues relative to the amendments. Five letters were received from glass manufacturing industry representatives, and one letter was received from a State air pollution regulatory agency. The comments have been carefully considered and, where determined appropriate by the Administrator, changes have been made.

Comments and Responses

The comments on the proposed amendments and EPA's responses to the comments are discussed in this notice. Some of the comment letters received contained multiple comments; and, for some issues, the same comment was made by several commenters. The comments and responses are discussed below.

Emission Limits for Furnaces Using Modified Processes

In the petitions for reconsideration, OCF and GPI, *et al.*, raised the issue of the reasonableness of the cost of the standards as the standards affect glass melting furnaces which effectively control emissions using modified processes. Upon evaluating the supporting information provided in the petitions and additional information obtained from glass manufacturers, EPA decided that to the extent modified processes are effective in continuously reducing emissions, they should be considered in establishing standards for glass melting furnaces. Accordingly, EPA proposed to establish separate standards for a class of sources that can effectively and continuously reduce particulate emissions without the use of add-on controls.

Comment 1: Three comments supported and one comment opposed the proposed emission limits of glass melting furnaces using modified processes. One commenter stated that the proposed particulate standard of 0.5 g/kg represents a strict, but nonetheless achievable, emission limit for a flat glass melting furnace using modified processes. A second commenter stated that the proposed standards for glass melting furnaces using modified processes will allow the continued development and commercialization of advanced modified-process technology for the manufacture of fiberglass. A third commenter stated that the standard proposed by EPA for glass melting furnaces using modified processes offers a meaningful alternative for container glass manufacturers.

In contrast to the comments supporting the standards, one commenter opposed the standards for glass melting furnaces using modified processes because they are less restrictive than the particulate emission limits allowed by the commenter's State implementation plan (SIP) for glass manufacturing plants. The commenter is concerned that the glass manufacturing industry would locate plants in other States rather than comply with the SIP. In the commenter's opinion, EPA has failed to properly define "modified processes" and to establish the corresponding equivalency to add-on control equipment. The commenter asserts that EPA does not have an adequate basis upon which to develop standards of performance for glass melting furnaces using modified processes. Furthermore, the commenter believes that EPA is exempting new glass melting furnaces from best available control technology (BACT) and lowest achievable emission rate (LAER) requirements because most modified processes cannot be considered BACT or LAER.

Response 1: Modified processes for glass melting furnaces are any techniques (e.g., furnace design modifications or raw material batch formulation changes) whch result in particulate emissions lower than those normally vented in exhaust gases from conventional glass melting furnaces. Modified processes achieve various levels of particulate emission reduction. Some modified processes can reduce particulate matter emissions to a level that almost achieves the emission limits for glass melting furnaces using add-on controls. Upon consideration by EPA of the reasonableness of the standards in light of the relatively high cost of add-on control devices and the small increment of emission reduction achievable beyond the levels which can be achieved by effective modified processes, EPA proposed emission limits for glass melting furnaces using modified processes based upon test results for the most effective modified processes demonstrated to date. If a glass melting furnace using modified processes cannot achieve the numerical emission limits, then add-on controls must be used to achieve the standards. Therefore, EPA believes there is sufficient basis to justify setting numerical emission limits for glass melting furnaces using modified processes.

The location of new glass manufacturing plants should be determined primarily by economic considerations such as the proximity of the plant location to the intended market for the glass product and the availability of labor and raw material

supplies. Regardless of the location selected for a new glass manufacturing plant, the plant must achieve the new source performance standards for glass manufacturing plants by using either add-on controls or modified processes. In addition, the plant must comply with the SIP requirements applicable to the area where the plant is to be located. The emission limits for glass melting furnaces using modified processes are more restrictive than the levels typically required by SIP's. In response to the commenter's specific concern, EPA compared the emission limits for glass melting furnaces using modified processes with the emission limits required by the commenter's SIP. This comparison shows that, except for flat glass manufacturing, all glass manufacturing plants achieving the emission limit for glass melting furnace using modified processes should also achieve the emission limit required by the commenter's SIP. Because the limit for flat glass manufacturing plants using modified process can be considered typical on a national basis, EPA sees no reason to change the emission limit for flat glass melting furnaces using modified processes. EPA believes that the level of the standards of glass melting furnaces does discourage the glass manufacturing industry from locating plants in other States rather than comply with a particular SIP.

The standards of performance of glass manufacturing plants establish the minimum BACT and LAER emission levels. However, because the BACT or LAER requirement for a specific glass manufacturing plant is determined on a case-by-case basis, more stringent levels can be established. Since modified processes for glass melting furnaces achieve various levels of particulate emission reduction, a BACT or LAER determination for a source could be set based on the most stringent emission level achievable by glass melting furnaces using modified processes, or on the numerical emission limits for glass melting furnaces using add-on controls. Thus, EPA is not exempting new glass melting furnaces from BACT and LAER requirements. Instead, the amendments to the standards will provide guidance for BACT and LAER determinations.

Comment 2: One commenter expressed the opinion that the existing numerical emission limits for glass melting furnaces using add-on controls should be increased to the levels proposed for glass melting furnaces using modified processes.

Response 2: This issue was addressed in reconsidering the standards with respect to the use of modified processes. As discussed in the **Federal Register** notice proposing the amendments to the standards (48 FR 50673), EPA initially considered revising standards based only on use of modified processes. However, after thorough examination of the supporting information provided in the petitions and additional information obtained from glass manufacturers, EPA concluded that modified processes are not an adequately demonstrated means of emission reduction which could necessarily be applied by all glass manufacturers. As a consequence, EPA considers the emission limits established for add-on controls to reflect representative performance of these controls. Thus, there is no reason to establish limits for add-on controls at any other level. Therefore, even though EPA continues to believe that in certain instances modified processes may be capable of substantial continuous reduction of particulate emissions from glass melting furnaces; the emission limits previously promulgated based on add-on control devices of known and proven effectiveness remain in effect for those individual sources which cannot use modified processes.

Comment 3: A few commenters contended that the 30 percent emission allowance for oil firing provided in the existing standards for glass melting furnaces should also apply to glass melting furnaces using modified processes.

Response 3: The information EPA used to select the proposed emission limits for glass melting furnaces using modified processes included data on the application of modified process technology to oil-fired furnaces. These data indicate that glass melting furnaces using modified processes and firing fuel oil can achieve the emission limits for modified processes. Furthermore, selection of the fuel type burned in a glass melting furnace is an integral component of modified process techniques. Any additional particulates that might be generated by firing fuel oil can be compensated by modified process techniques. No information was provided by the commenters to show why it was inappropriate for EPA to select the proposed emission limits for modified processes. Therefore, the emission limits for glass melting furnaces using modified processes remain the same as proposed.

Comment 4: Two commenters expressed the opinion that a uniform filter box temperature of 177 °C for all Method 5 tests be allowed regardless of the sulfur content of the fuel fired. Another commenter disagreed with the proposal to allow a maximum sampling temperature of 177 °C for glass melting furnaces using modified processes and firing a fuel containing more than 0.5 percent sulfur. The commenter stated the belief that this proposal is not consistent with EPA's intent to encourage application of modified processes to glass melting furnaces in order to reduce sulfur dioxide emissions to offset increased particulate emissions.

Response 4: As part of their petitions for reconsideration, glass industry representatives suggested that Method 5 be used with a sampling temperature of 177 °C (350 °F) to determine compliance with the emission limits for glass melting furnaces using modified processes. According to the industry representatives, a sampling temperature of 177 °C prevents inclusion of condensible acid gases in the particulate emission results. EPA agreed in part with this suggestion, and proposed a maximum sampling temperature of 177 °C for glass melting furnaces using modified processes and firing a fuel containing more than 0.5 percent sulfur. However, EPA believed that it is neither necessary nor appropriate to do so for furnaces using modified processes and firing a fuel containing less than 0.5 percent sulfur. Furthermore, EPA's decision to propose a maximum sampling temperature of 177 °C was based solely upon the technical considerations of the effects of sulfuric acid on Method 5 sampling for particulate matter. Although reduced sulfur oxide emissions can be a benefit of the application of modified processes to glass melting furnaces, the basis for the proposed emission limits for glass melting furnaces using modified processes was not reduced levels of sulfur oxide emissions.

The effects of sulfuric acid on sampling of particulates were included in the data EPA used to select the proposed emission limits for glass melting furnaces using modified processes. EPA recognizes that excess sulfuric acid from the combusion of fuels containing more than 0.5 weight percent sulfur exists as a gas as it is collected and then condenses onto the filter at a temperature of about 121°C (250 °F). A sampling temperature of 177 °C is above the dew point of condensible acid gases and, consequently, any excess sulfuric acid from fuel combustion passes through the filter as a gas. However, no data were provided by the commenters which disproves EPA's conclusion that the firing of fuels having a sulfur content less than 0.5 weight percent does not influence the quantity of particulates measured by Method 5 when using a

sampling box temperature of about 121°C. Therefore, the Method 5 sampling box temperature requirements remain the same as proposed.

Continuous Opacity Monitoring

The use of opacity monitors for glass melting furnaces using modified processes was proposed to ensure that the furnace is continuously operated and maintained to achieve the same level of emission reduction observed during the performance test. Opacity monitoring during the performance test would be used to determine, on a case-by-case basis, a statistical relationship for each furnace between particulate emissions and its opacity. Using this statistical relationship, the furnace would be monitored for opacity, and excess emissions reported to EPA. The excess emission reports would be used to alert EPA enforcement personnel to consider whether the facility was being properly operated and maintained consistent with good air pollution control practices. As an alternative to continuous opacity monitoring, EPA proposed provisions permitting the continuous monitoring of a process parameter provided the owner or operator of the affected facility demonstrates that monitoring the process parameter is equivalent to opacity monitoring.

Comment: One commenter agreed with EPA's proposed approach for continuous opacity monitoring by stating that the proposed provisions properly establish a method for setting opacity guidelines on a furnace-by-furnace basis, allow those guidelines to be adjusted over time, and treat the guidelines as indicators and not tests of compliance. Another commenter requested that the provisions allowing alternative monitoring of process parameters be retained in the final standards. It is the commenter's opinion that opacity measurements are not indicative of the level of particulate emissions from a glass melting furnace; and, therefore, the alternative of process parameter monitoring is necessary. In contrast, one commenter stated that the use of process monitoring as a substitute for opacity monitoring should not be allowed because it is the commenter's opinion that there is no demonstrated correlation of process parameters with opacity. Furthermore, the commenter stated that specific limits on opacity should be mandated for glass melting furnaces using modified processes and should be enforced through the use of continuous opacity monitors.

Response: Compliance of a glass melting furnace using modified processes with the numerical limits is determined using Method 5. Because neither the operator of a glass melting furnace using modified processes nor EPA would have any indicator for knowing whether the facility is continuing to maintain the emission reduction observed during the performance test, EPA proposed that opacity monitors be installed and operated on such sources. Specific limits on opacity were not proposed because of the expected variability in opacity from a glass melting furnace as a function of the type of modified process used as well as the type of glass being produced. However, EPA's investigation of the relationship between opacity and emission rates for individual sources shows that opacity monitoring is a useful indicator of the overall performance of a control device or, in this case, a glass melting furnace using modified processes when applied on a source-by-source basis.

Although EPA does not have sufficient data to clearly demonstrate that the use of process monitoring is an acceptable substitute for opacity monitoring, EPA has no reason or desire to preclude the alternative of monitoring process parameters if a relationship between a process parameter and emission rates can be demonstrated. Therefore, the provisions permitting the continuous monitoring of a process parameter provided the owner or operator of the affected facility demonstrates to EPA the equivalency of the monitoring method with opacity monitoring remains the same as proposed.

Experimental Furnaces

A petition for reconsideration submitted by PPG raised the issue of the reasonableness of the cost of the standards on experimental glass melting furnaces (furnaces used solely for research and development of new glass manufacturing technologies and new glass products). After considering PPG's petition and additional information, EPA concluded that the economic impact of the standards is unreasonable for experimental furnaces. Therefore, EPA proposed to exempt experimental glass melting furnaces from the standards.

Comment: One commenter supported the experimental furnace exemption as proposed. Two other commenters supported the concept of exempting experimental furnaces, but disagreed with EPA's proposed definition of "experimental furnace."

Response: The proposed definition of "experimental furnace" was based on EPA's understanding of the application of experimental furnaces by the glass industry. Information provided to EPA by glass manufacturers indicates that experimental furnaces have historically been used by some, but not all, segments of the glass industry to test new batch formulas and glass compositions, to provide glass for new product development and testing, and to develop new glass melting technologies. These furnaces tend to have small capacities and short useful life spans. In EPA's judgment, the proposed definition of "experimental furnace" best characterizes experimental furnaces used by the glass industry. Therefore, the definition of "experimental furnace" remains the same as proposed.

Test Methods

Method 5 requires that the collected particulate sample must weigh at least 50 milligrams (mg). PPG requested in a petition for reconsideration that EPA permit an alternative test method which would allow the collection of particulate from a minimum exhaust gas sample volume of 90 actual cubic feet (acf). EPA denied this request because sampling particulates from 90 acf volume sample would collect a particulate sample significantly below the minimum weight considered necessary to assure an acceptable level of precision.

Comment: One commenter stated that the accuracy of a source test using Method 5 is a function of both flowrate and sampling time. Therefore, EPA's requirement that a 50 mg sample be collected regardless of sampling time and flowrates imposes a "needless burden."

Response: The requirement for a 50 mg particulate sample is not related to flowrate or sampling time. Instead, EPA established the requirement of collecting a minimum of 50 mg of particulate sample to reduce potential sampling error resulting from sampling technique to an acceptable level. The total particulate sample collected using Method 5 procedures is determined by adding the weight of particulates deposited on the filter plus the weight of particulates which accumulate on the inside walls of the sampling probe. To obtain an accurate and precise sample weight, it is important that the sampling probe be thoroughly cleaned to minimize any sample losses due to leaving particulates inside the probe. The significance of any errors introduced by improper cleaning of the sampling probe increases as the total weight of the particulate sample decreases. Therefore, the requirement of collecting a minimum of 50 mg of particulate sample is necessary to ensure the test method is accurate and precise. Compliance of a glass melting furnace with the particulate standards is determined only by a performance test and it is,

therefore, important that the test method be accurate and precise. A 50 mg particulate sample can be obtained from most glass melting furnaces using standard sampling equipment in a sampling period of 1 to 2 hours. For glass melting furnaces having special flow conditions, Method 5 may be run using equipment which operates at sampling flow rates greater than the standard flow rate. Thus, EPA's requirement does not impose a "needless burden" on glass manufacturers.

Exemptions During Periods of Maintenance

In their petition for reconsideration, GPI, *et al.*, requested an exemption from numerical emission limits during periods of add-on control device maintenance. EPA reviewed this request and found that such an exemption may be required by some glass manufacturers in certain situations. Therefore, EPA proposed to exempt glass melting furnaces from the emission limits during periods of routine maintenance of add-on control devices not to exceed 6 calendar days per year.

Comment: Two commenters stated support for EPA's proposal to exempt an operator of a glass melting furnace from the standards during periods of routine maintenance of add-on controls, subject to the limitation of 6 days per year, application of good air pollution control practices, and a reporting requirement. Another commenter stated that a limitation of 9 days per year would be more practical.

Response: The proposed limitation of 6 days per year was based on information about control equipment maintenance practices that EPA obtained from equipment manufacturers and glass companies operating control systems. The 6-day period was selected to allow semiannual inspection and routine maintenance for an ESP having compartments which cannot be isolated, and thus requiring complete bypass of the ESP unit to allow maintenance personnel to enter the compartments. Other control system designs that are expected to be installed by glass companies require less frequent inspection and maintenance intervals, have individual compartments which can be isolated to perform maintenance and repairs without bypass of the system, or allow maintenance to be performed external to the control system compartments. The commenter presented no new information to justify increasing the limitation to 9 days. A review of the data base EPA used to select the 6-day period (see docket reference VI–D–11) showed that at only one glass manufacturing plant was more than 6 days per year required to perform inspection and routine maintenance of an ESP unit. At this plant, three single compartment ESP units are normally operated simultaneously in a parallel configuration. The ESP unit maintenance procedure performed at the plant is unusual because it involves performing maintenance while routinely suspending glass production and placing the furnace in the idling mode. The operating configuration allows the ESP units to be serviced by isolating one unit for maintenance while venting the reduced volume of exhaust gases from the furnace through the other two units. Thus, the ESP units are essentially operated as a multiple compartment ESP unit with compartments that can be isolated. Based on these considerations, the limitation of 6 days remains the same as proposed.

Glass Definitions

Comment: One commenter questioned EPA's rationale for changing the definitions of the glass recipes to use glass composition. Specifically, it is not clear to the commenter which emission limit will apply to glass melting furnaces producing "lead recipe" glass. Furthermore, the effect of changing the definition of lead recipe glass on the national ambient air quality standard for lead was not presented by EPA.

Response: As part of the analysis to decide whether to revise the definition of "lead recipe" to be based on glass composition, EPA did not evaluate the impact of a lead recipe definition revision on the national ambient air quality standard for lead. An analysis of the impact of the glass melting furnace lead emissions was not necessary because the lead recipe definition revision being considered would not change the numerical emissions limits for any glass manufacturing plant industry segment using lead compounds as a raw material. Using the proposed glass definitions, if a glass melting furnace fired with a gaseous fuel produced a glass product containing 18 to 35 percent lead oxide then the maximum allowable particulate matter emission rate is 0.1 grams of particulate per kilogram of glass produced (g/kg). If the same furnace produces a glass product containing less than 18 percent lead oxide, then the maximum allowable particulate matter emission rate is 0.25 g/kg. These are the same emission levels allowed by the originally promulgated definition of lead glass recipe. Therefore, the revised definition of lead glass recipe remains the same as proposed.

Significance of Source Category

GPI, *et al.*, petitioned EPA to reconsider EPA's determination that glass manufacturing plants "cause [ ], or contribute [ ] significantly to air pollution which may be reasonably anticipated to endanger public health or welfare." Section 111(b)(1)(A). Other petitioners joined GPI, *et al*, in this issue. After reviewing the petitions, EPA found that even though new data and information may be available, the objection raised by these new data and information is not of central relevance to the outcome of this issue, and, therefore, EPA denied reconsideration of this issue.

Comment: One commenter restated their position that the facts do not support EPA's determination that the glass industry is an appropriate category for regulation by new source performance standards.

Response: As was stated in the **Federal Register** notice discussing EPA's denial of reconsideration of this issue (48 FR 50671), EPA believes that any major industrial source category with potential emission rates of the magnitude associated with glass manufacturing plants and with projected new plant growth is appropriately considered a significant contributor to air pollution and is appropriately regulated under Section 111. Therefore, EPA decided that reconsideration of this issue is not warranted.

Other Comments

One comment was received concerning specific wording used in the November 2, 1983, **Federal Register** notice (48 FR 50670). On page 50679 of the **Federal Register** notice, the applicability of the standards of performance for glass manufacturing plants to existing flat glass melting furnaces was discussed. Under today's promulgated amendments to the standards, if an existing flat glass melting furnace is determined to be an affected facility due to a modification as defined in 40 CFR 60.14, then the affected flat glass melting furnace is subject to achieving the standard of 0.5 g/kg if modified processes are used or to achieving the standard of 0.225 g/kg if add-on controls are used. Major alterations that do not result in increased emissions, such as alterations where air pollution control equipment is added or upgraded to maintain emissions at their previous level, are not considered modifications.

The same commenter also suggested that EPA provide, in the public record, support for its references to "high

quality flat glass" and "normal quality and production levels" on page 50679 of the **Federal Register** notice. The term "high quality" was used to describe the type of flat glass being produced by a flat glass melting furnace during an EPA-conducted emission source test. As is noted in docket reference VI–D–12, the term "high quality" flat glass is referring to architectural flat glass. The phrase "normal quality and production levels" was used in the statement: "Flat glass manufacturing companies are achieving emission levels less than 0.225 g/kg while maintaining normal glass quality and production." This statement is referring to the fact that two glass manufacturers have been able to reduce particulate emissions from flat glass melting furnaces to levels less than 0.225 g/kg by installation of add-on controls without affecting the glass quality or production levels that the two glass manufacturers would be able to achieve in the absence of any add-on controls.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industry involved to identify and locate documents so that they can participate effectively in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review, except for interagency review materials (Section 307(d)(7)(A)).

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it would reduce the cost of compliance with the current standards.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW. Washington, D.C. 20460.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 701, et seq., is not required for this rulemaking, because the rulemaking would not have significant impact on a substantial number of small entities. This regulation would reduce the cost of compliance with the current standards.

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, and have been assigned OMB control number 2060–0054.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic Minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

Dated: October 12, 1984.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60, Subpart CC, is amended as follows:

1. In § 60.291, the following definitions are revised: "Borosilicate recipe," "Glass melting furnace," "Lead recipe," and "Sodalime recipe;" and the following definitions are added in alphabetical order: "Experimental furnace," "Flow channels," "Textile fiberglass," and "With modified-processes;" as follows:

§ 60.291 Definitions.

* * * * *

"Borosilicate recipe" means glass product composition of the following approximate ranges of weight proportions: 60 to 80 percent silicon dioxide, 4 to 10 percent total R_2O (e.g., Na_2O and K_2O), 5 to 35 percent boric oxides, and 0 to 13 percent other oxides.

* * * * *

"Experimental furnace" means a glass melting furnace with the sole purpose of operating to evaluate glass melting processes, technologies, or glass products. An experimental furnace does not produce glass that is sold (except for further research and development purposes) or that is used as a raw material for nonexperimental furnaces.

* * * * *

"Flow channels" means appendages used for conditioning and distributing molten glass to forming apparatuses and are a permanently separate source of emissions such that no mixing of emissions occurs with emissions from the melter cooling system prior to their being vented to the atmosphere.

"Glass melting furnace" means a unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined, and conditioned to produce molten glass. The unit includes foundations, superstructure and retaining walls, raw material charger systems, heat exchangers, melter cooling system, exhaust system, refractory brick work, fuel supply and electrical boosting equipment, integral control systems and instrumentation, and appendages for conditioning and distributing molten glass to forming apparatuses. The forming apparatuses, including the float bath used in flat glass manufacturing and flow channels in wool fiberglass and textile fiberglass manufacturing, are not considered part of the glass melting furnace.

* * * * *

"Lead recipe" means glass product composition of the following ranges of weight proportions: 50 to 60 percent silicon dioxide, 18 to 35 percent lead oxides, 5 to 20 percent total R_2O (e.g., Na_2O and K_2O), 0 to 8 percent total R_2O_3 (e.g., Al_2O_3), 0 to 15 percent total RO (e.g., CaO, MgO), other than lead oxide, and 5 to 10 percent other oxides.

* * * * *

"Soda-lime recipe" means glass product composition of the following ranges of weight proportions: 60 to 75 percent silicon dioxide, 10 to 17 percent total R_2O (e.g., Na_2O and K_2O), 8 to 20 percent total RO but not to include any PbO (e.g., CaO, and MgO), 0 to 8 percent total R_2O_3 (e.g., Al_2O_3), and 1 to 5 percent other oxides.

"Textile fiberglass" means fibrous glass in the form of continuous strands having uniform thickness.

"With modified-processes" means using any technique designed to minimize emissions without the use of add-on pollution controls.

(Sec. 111, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

2. In § 60.292, paragraphs (d) and (e) are added as follows:

§ 60.292 Standards for particulate matter.

* * * * *

(d) An owner or operator of an experimental furnace is not subject to the requirements of this section.

(e) During routine maintenance of add-on pollution controls, an owner or operator of a glass melting furnace

subject to the provisions of § 60.292(a) is exempt from the provisions of § 60.292(a) if:

(1) Routine maintenance in each calendar year does not exceed 6 days;

(2) Routine maintenance is conducted in a manner consistent with good air pollution control practices for minimizing emissions; and

(3) A report is submitted to the Administrator 10 days before the start of the routine maintenance (if 10 days cannot be provided, the report must be submitted as soon as practicable) and the report contains an explanation of the schedule of the maintenance.

(Sec. 111, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

3. Section 60.293 is added as follows:

§ 60.293 Standards for particulate matter from glass melting furnace with modified-processes.

(a) An owner or operator of a glass melting furnaces with modified-processes is not subject to the provisions of § 60.292 if the affected facility complies with the provisions of this section.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator of a glass melting furnance with modified-processes subject to the provisions of this subpart shall cause to be discharged into the atmosphere from the affected facility:

(1) Particulate matter at emission rates exceeding 0.5 gram of particulate per kilogram of glass produced (g/kg) as measured according to paragraph (e) of this section for container glass, flat glass, and pressed and blown glass with a soda-lime recipe melting furnaces.

(2) Particulate matter at emission rates exceeding 1.0 g/kg as measured according to paragraph (e) of this section for pressed and blown glass with a borosilicate recipe melting furnace.

(3) Particulate matter at emission rates exceeding 0.5 g/kg as measured according to paragraph (e) of this section for textile fiberglass and wool fiberglass melting furnaces.

(c) The owner or operator of an affected facility that is subject to emission limits specified under paragraph (b) of this section shall:

(1) Install, calibrate, maintain, and operate a continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the affected facility.

(2) During the performance test required to be conducted by § 60.8, conduct continuous opacity monitoring during each test run.

(3) Calculate 6-minute opacity averages from 24 or more data points equally spaced over each 6-minute period during the test runs.

(4) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 97.5 percent upper confidence level of a normal distribution of average opacity values.

(5) For the purposes of § 60.7, report to the Administrator as excess emissions all of the 6-minute periods during which the average opacity, as measured by the continuous monitoring system installed under paragraph (c)(1) of this section, exceeds the opacity value corresponding to the 97.5 percent upper confidence level determined under paragraph (c)(4) of this section.

(d)(1) After receipt and consideration of written application, the Administrator may approve alternative continuous monitoring systems for the measurement of one or more process or operating parameters that is or are demonstrated to enable accurate and representative monitoring of an emission limit specified in paragraph (b)(1) of this section.

(2) After the Administrator approves an alternative continuous monitoring system for an affected facility, the requirements of paragraphs (c) (1) through (5) of this section will not apply for that affected facility.

(3) An owner or operator may redetermine the opacity value corresponding to the 97.5 percent upper confidence level as described in paragraph (c)(4) of this section if the owner or operator:

(i) Conducts continuous opacity monitoring during each test run of a performance test that demonstrates compliance with an emission limit of paragraph (b) of this section,

(ii) Recalculates the 6-minute opacity averages as described in paragraph (c)(3) of this section, and

(iii) Uses the redetermined opacity value corresponding to the 97.5 percent upper confidence level for the purposes of paragraph (c)(5) of this section.

(e) Test methods and procedures as specified in § 60.296 shall be used to determine compliance with this section except that to determine compliance for any glass melting furnace using modified processes and fired with either a gaseous fuel or a liquid fuel containing less than 0.50 weight percent sulfur, Method 5 shall be used with the probe and filter holder heating system in the sampling train set to provide a gas temperature of 120±14 °C.

(Sec. 111, 114, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7414, 7601(a)))

4. In § 60.296, the introductory text of paragraph (a) is revised, and paragraph (g) is added as follows:

§ 60.296 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.292 and § 60.293 as follows:

* * * * *

(g) If an owner or operator changes an affected facility from a glass melting furnace with modified processes to a glass melting furnace without modified processes or from a glass melting furnace without modified processes to a glass melting furnace with modified processes, the owner or operator shall notify the Administrator 60 days before the change is scheduled to occur.

(Sec. 111, 114, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7414, 7601(a)))

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40 CFR Part 271

[OSWER-8-FRL-2697-3]

Colorado; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination of application of State of Colorado for final authorization.

SUMMARY: Colorado has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Colorado's application and found it includes all the information necessary for final authorization. Colorado has addressed to EPA's satisfaction all EPA requirements and all concerns identified in the August 6, 1984 notice. EPA grants to Colorado final authorization to operate its hazardous waste program in lieu of the federal program.

EFFECTIVE DATE: Final Authorization for Colorado shall be effective at 1:00 p.m. on November 2, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Brinkman, EPA Region 8, 1860 Lincoln Street, Denver, Colorado 80295, Telephone: (303) 844-2221.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization

may be granted. The first type is known as "interim authorization". It is a temporary authorization and is not addressed here.

The second type of authorization is a "final" authorization that is granted by EPA if the Agency finds the State program: (1) Is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). EPA regulations for final authorization appear at 40 CFR Part 271.

The State of Colorado submitted a draft application for final authorization to EPA on September 15, 1983. EPA comments were made to the State for their consideration and revision on January 4, 1984. A public hearing to solicit comments was held by Colorado on March 5, 1984 on the revised application. The application for final authorization of the Colorado hazardous waste management program was received by EPA on March 13, 1984. A notice announcing EPA's tentative decision to grant authorization of the Colorado hazardous waste program was published in Volume 49, No. 152, Page 31301 of the **Federal Register** on August 6, 1984, at which time a public comment period was opened and held open through September 4, 1984, the date on which a Public Hearing was held.

The tentative determination to authorize the Colorado program was made after development of a Capability Assessment evaluating Colorado's past performance in hazardous waste program participation and its resources to implement the hazardous waste program after authorization and upon a commitment by Colorado to provide additional materials to EPA. The additional materials were presented during the period between the State's receipt of the EPA comments up through September 5, 1984. EPA concerns were adequately addressed by these materials as follows:

1. The Memorandum of Agreement was expanded to include additional detail on the procedure for negotiation when there is disagreement between the State and EPA on the review of waiver, variance or permit applications.

2. A permit call-in strategy for permitting all existing facilities over a specified period of time was added to the Program Description.

3. Detail was provided in the Program Description on the staffing of the hazardous waste program.

4. Colorado Hazardous Waste Regulations were revised to limit minor modification to situations as provided for in the Federal regulation.

5. Colorado Hazardous Waste Regulations were revised to limit changes allowed during interim status to those allowed in the Federal Hazardous Waste program regulations.

6. The authority of Colorado to extend the storage of hazardous waste by generators beyond the 30 days specified in the Federal regulations was deleted from the Colorado regulations.

7. Colorado Hazardous Waste Regulations were revised to limit the use of the trial permits to situations not controlled by the Resource Conservation and Recovery Act regulations.

8. The Attorney General certified the legality of all commitments made in the Memorandum of Agreement and the changes in the Colorado Hazardous Waste regulations.

Comments were received by mail and by presentation at the Public Hearing. Correspondence was received which supported the transfer of the regulation of hazardous waste to the State and which expressed a strong belief that local government should be involved in the process.

Several presentations were made at the Public Hearing. None refuted the Authorization of the State hazardous waste program. However, two areas of reservation were expressed. The ability of the State to fund and staff an adequate hazardous waste effort and the possibility of withholding authorization until a specific facility had been permitted by EPA were questioned.

EPA analysis of the State resources available to the hazardous waste program demonstrates that resources are presently adequate and that the resources will increase as workload increases due to the State hazardous waste fee system that becomes effective upon Authorization.

EPA has determined, further, that the Authorization should not be delayed to allow for permitting of any specific facility. The permit review conducted under authorization will continue to be rigorous with EPA overseeing State permitting efforts.

Colorado satisfied all of EPA's concerns by revision of the Program Description, Memorandum of Agreement, Hazardous Waste Regulations, and the Attorney General's Statement. Thus, EPA grants final authorization to Colorado to operate its program in lieu of the federal program.

In making its final decision, EPA has considered all public comments on the tentative determination and the measures taken by the State to address EPA's concerns.

Decision

After review of the public comment and the changes the State has made to its application/program since the tentative decision, I conclude that the Colorado application for final authorization meets all statutory and regulatory requirements established by RCRA. Accordingly, Colorado is granted authorization to operate its hazardous waste program. Upon the effective date of this authorization, Colorado has responsibility for permitting hazardous waste treatment, storage and disposal facilities within its borders and for carrying out other aspects of the approved Colorado program. Colorado also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3013 and 7003 of RCRA.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian-lands; Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of Sections 2002(a), and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegations 7.

Dated: October 15, 1984.

John G. Welles,

Regional Administrator.

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40 CFR Part 271

[OSWER-8-FRL-2697-4]

South Dakota; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on application of South Dakota for final authorization.

SUMMARY: South Dakota has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed South Dakota's application and has reached a final determination that South Dakota's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program in lieu of the Federal program.

EFFECTIVE DATE: Final Authorization for South Dakota shall be effective at 1:00 p.m. on November 2, 1984.

FOR FURTHER INFORMATION CONTACT: Henry C. Schroeder, EPA/Region 8, 1860 Lincoln Street, Denver, Colorado 80295, Telephone: (303) 844-2221.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must (1) be "equivalent" to the Federal program; (2) be consistent with the Federal program and other State programs; and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On March 16, 1984, South Dakota submitted a complete application to obtain final authorization to administer the RCRA program. Following detailed review of the complete application and the development of a Capability Assessment evaluating past State program performance and present resource capacity for future program implementation, EPA published a tentative decision announcing its intent to grant South Dakota final authorization on July 10, 1984. Further background on the tentative decision to grant authorization appears at Vol. 49, No. 133 **Federal Register**, page 28074, July 10, 1984. This tentative decision notice reviewed all issues raised in the consolidated EPA comments to the State and the State intended responses to these comments.

South Dakota's official responses to the consolidated EPA comments were negotiated with the State Department of Environmental Quality, the Attorney General's Office and approved by the Board of Minerals and Environment. The comments and responses are as follows:

1. Program description must provide an explanation of the relationship between the Board of Minerals and Environment and the Department. Also, if necessary, obtain a statement from the Board that they will operate in a manner consistent with the State Hazardous Waste Program.

The State described the relationship between the Board and the Department, and the Board also signed a letter agreeing to operate in a manner consistent with the State Hazardous Waste Program.

2. The Attorney General's Statement must be revised to further explain why 1-26-30.1 of South Dakota's Administrative Procedures Act is consistent with the requirements of Authorization of the State Hazardous Waste Program.

The State Attorney General revised the Statement to provide sufficient explanation proving the consistency of the State Administrative Procedures Act with RCRA.

Along with the tentative determination EPA announced the availability of the application in the State, EPA Region VIII, and EPA Headquarters for public comment and the date of a public hearing on the application. The public hearing was held on August 16, 1984 in Pierre, South Dakota. Approximately ten individuals were in attendance including one local television reporter. One written statement was received and one oral statement was made. No adverse comments were expressed at the public hearing.

Decision

After reviewing the public comment and the changes the State made to its application/program prior to the tentative decision, I conclude that South Dakota's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. South Dakota continues to demonstrate a commitment to hazardous waste program implementation as documented in the Capability Assessment developed for tentative decision. Accordingly, South Dakota is granted final authorization to operate its hazardous waste program. This means that South Dakota now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program. South Dakota also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3012, and 7003 of RCRA.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 505(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of South Dakota's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 15, 1984.

John G. Welles,

Regional Administrator.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 18

Acquisition Regulations, Promulgation of NASA FAR Supplement Directive 84-2

AGENCY: Procurement Policy Division, NASA.

ACTION: Final rule.