

Friday, May 11, 1984—9:00 a.m.

D. Grants, Contracts, and Programs

Margaret L. Windus;

Executive Officer.

[FR Doc. 84-11391 Filed 4-24-84; 11:25 am]

BILLING CODE 7555-01-M

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**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**

**AGENCY HOLDING THE MEETING:** Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Addition of agenda items.

**DATES:** March 15 and April 12, 1984.

**PLACES:** ERB Memorial Union, University of Oregon, Eugene, Oregon and Red Lion Motor Inn/Riverside, Boise, Idaho.

**SUMMARY:** The Government in the Sunshine Act, 5 U.S.C. 552b, requires Federal Register notice whenever an agency adds an item to its meeting agenda after the meeting had been publicly announced. At its March 15 meeting in Eugene, Oregon, the Council voted to add to its agenda discussion of Bonneville Power Administration's average system cost methodology. At its April 11 meeting, the Council voted to add to its agenda a "Panel Discussion on Utility Program to Marketing Conservation Efficient Homes." In each case, the Council determined that Council business required the addition to the agenda and that no earlier notice of the addition was practicable. The decisions to add these items to the agenda were made soon before the Council meetings. The additions to the

agenda were then publicly announced at those Council meetings.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Ms. Bess Wong, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-11394 Filed 4-24-84; 12:20 pm]

BILLING CODE 0000-00-M

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**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1329]

**TIME AND DATE:** 6:00 p.m. (CDT), April 30, 1984.

**PLACE:** Oakland High School Auditorium, Patriot Drive, Murfreesboro, Tennessee.

**STATUS:** Open.

**Agenda Items**

Approval of minutes of meeting held on April 4, 1984.

**Action Items**

B—Purchase Awards

B1. Negotiation 62-947849—Pipe removal and installation for Browns Ferry Nuclear Plant unit 1.

C—Power Items

C1. Agreement between the Institute of International Education and TVA whereby TVA will conduct an 8-week Energy Conservation Training Program for approximately 25-30 program participants from underdeveloped countries.

C2. Agreement covering certain modified arrangements for North Georgia Electric Membership Corporation's participation in TVA's room-unit thermal-storage field test.

D—Personnel Items

D1. Renewal of consulting contract No. TV-51219A with Stanley D. Wilson, Seattle,

Washington, for services in connection with geotechnical and foundation engineering, requested by the Division of Engineering Design.

F—Unclassified

F1. Final amendments to regulation implementing Title VI of the Civil Rights Act of 1964.

F2. Changes in designation of certifying officers authorized to approve payments made by TVA.

F3. Supplement to Contract No. TV-56909A with Eastern Band of Cherokee Indians covering arrangements for development of historical and cultural resources of Tellico project area.

F4. Interagency Agreement No. TV-64095A with the U.S. Department of Energy for an instream contaminant study.

F5. Supplement to Interagency Agreement No. TV-61855A with the U.S. Department of Energy covering arrangements for conducting a Southeastern Regional Biomass Energy Program.

F6. Letter Agreement No. TV-63821A with the U.S. Army Corp of Engineers covering the engineering design work that TVA will be performing for the U.S. Army Corp of Engineers for the rehabilitation work at Pickwick auxiliary lock.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: April 23, 1984.

W. F. Willis,

General Manager.

[FR Doc. 84-11408 Filed 4-24-84; 8:45 am]

BILLING CODE 8120-01-M



# Federal Register

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Thursday  
April 26, 1984

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## Part II

### Department of Commerce

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National Oceanic and Atmospheric  
Administration

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50 CFR Part 250

Fisheries Loan Fund Procedures;  
Available Fisheries Loans and Open  
Season for Applications; Final Rule



## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 250

Fisheries Loan Fund Procedures;  
Available Fisheries Loans and Open  
Season for Applications

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of Available Fisheries Loans and Open Season for Applications.

**SUMMARY:** NOAA issues this notice that emergency loans from the Fisheries Loan Fund are still available to fishing vessel owners during fiscal year 1984 (October 1, 1983, to September 30, 1984). Fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program may apply at any time before September 30, 1984. Fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program may apply, however, only during an open season from January 15 through July 1, 1984. The previous open season for this second class of applications was from January 15 through March 31, 1984. This notice will provide potential applicants with specific eligibility criteria and application instructions.

**DATES:** Applications will be received through July 1, 1984.

**ADDRESSES:** Application instructions and information can be obtained from the nearest Regional Financial Services Branch of the National Marine Fisheries Service office listed below:

1. Residents of New England, Mid-Atlantic, and Great Lakes areas contact: National Marine Fisheries Service, Northeast Region, Financial Services Branch, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; (617) 281-3600.

2. Residents of Gulf of Mexico, South Atlantic, and Caribbean areas contact: National Marine Fisheries Service, Southeast Region, Financial Services Branch, 9450 Koger Boulevard, St. Petersburg, Florida 33702; (813) 983-3148.

3. Residents of California, Hawaii, American Samoa, and Guam contact: National Marine Fisheries Service, Southwest Region, Financial Services Branch, 300 South Ferry Street, Terminal Island, California 90731; (213) 548-2478.

4. Residents of Washington, Oregon, and Alaska contact: National Marine Fisheries Service, Northwest Region, Financial Services Branch, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; (206) 527-6122.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven St. N.W., Washington, D.C. 20235, (202) 634-7496.

**SUPPLEMENTARY INFORMATION:** The Fisheries Loan Fund was created by Sec. 4 of the Fish and Wildlife Act of 1956, as amended by the American Fisheries Promotion Act. The purpose of the Fund is to assist owners or operators of commercial fishing vessels to avoid default on vessel mortgages which financed the construction, reconstruction, or reconditioning of their fishing vessels. Three million dollars are available for emergency loans from the Fisheries Loan Fund in fiscal year 1984.

One million dollars are reserved for fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program. Applications presently pending decision from these fishermen amount to only about two-thirds of the one million dollars. These fishermen may apply at any time before September 30, 1984. Their applications should, however, be submitted as soon as possible. Fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program should call the nearest Regional Financial Services Branch of the National Marine Fisheries Service to get application advice.

Two million dollars are reserved for fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program. Applications presently pending decision from these fishermen amount to only about one-half of the two million dollars. *These fishermen may apply only during the application open season from January 15 through July 1, 1984. The rest of this notice establishes application instructions and qualification criteria only for those fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program.*

Information collection requirements contained in this Notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act and have been assigned OMB Control #0648-0133.

*What is available:*

- (1) The loan funds are available without regard to applicants' location.
- (2) Interest rate is 3 percent.
- (3) Repayment maturity is up to 10 years.
- (4) *Maximum* loan amount is one year's worth of mortgage payments (loan funds may, however, be disbursed to trade creditors in lieu of a vessel's mortgage).

*To whom loans are available:*

- (1) You must be a U.S. citizen.
- (2) You must own a commercial fishing vessel of at least 5 net tons.
- (3) You must be in actual or potential jeopardy of defaulting on a mortgage which financed the above vessel's construction, reconstruction, or reconditioning.
- (4) You must have at least 3 years experience as a fishing vessel owner.
- (5) You cannot be in bankruptcy.
- (6) Your mortgage cannot already be in process of foreclosure.
- (7) You cannot have other assets reasonably capable of generating the funds for which this loan is sought (assets reasonably necessary for other purposes [like the operation of another business for example], relatively illiquid assets, and a reasonable amount of personal property are excluded).
- (8) Your situation must be such that the requested loan, if approved, will result in a reasonable assurance of financial viability.
- (9) Applications which are not materially complete at the time of our receipt may not be accepted.

(10) Do not apply unless you meet *all* the above requirements.

*How loan will be made available:*

- (1) Applications submitted before or after the open season will not be accepted.
- (2) Applications will be considered in the order of receipt by us.
- (3) Applications will be given *extra* consideration if mortgage holders or trade creditors are willing to make concessions which will complement a fisheries loan. If, for example, you apply for a \$25,000 fisheries loan to make mortgage payments, your application will be given extra consideration if the mortgage holder to whom the proceeds of the fisheries loan will be paid is willing to make a concession on additional mortgage payments. Such a concession might be to make an equal amount of mortgage payments payable under the same terms and conditions as the fisheries loan itself.

(4) Qualified applications will be approved in the order of their receipt until available funds are exhausted.

*What must be included in applications.* [Since no application form is available, send the following information in the order indicated].

- (1) *Personal.*
  - (a) Name
  - (b) Address.
  - (c) Telephone number.
  - (d) Marital status.
  - (e) Social security number.
  - (f) IRS taxpayer number.



(g) Biography. Include age, place of birth (proof of naturalization if naturalized), health, experience, references, operating history, accomplishments, etc. Be specific about what fishing vessels you owned or operated, what they fished for, when you owned or operated them, etc.

(h) Recent balance sheet for yourself. All personal debts must be disclosed, with the amount and frequency of repayment requirements. List acquisition cost and market value for all non-cash assets. All items must be described enough to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes money to you.<sup>1</sup>

(i) Federal income tax returns for yourself for the last 3 years.<sup>1</sup>

(2) *Loan purpose.*

(a) Amount of loan requested (maximum is one year's debt service on mortgaged vessel).

(b) What loan will be used for (who it will be paid to and for what).

(c) Why a lesser amount would not be enough.

(d) Why the amount requested will reasonably assure your ability to continue in operation and repay the loan (be specific).

<sup>1</sup> If you own the vessel as a sole proprietor, you need send only your personal balance sheet and tax returns. If you own the vessel through a corporation or partnership, you must send both your personal balance sheet and tax returns and those for the corporation or partnership.

(e) Letters from two banks declining to loan the money you are requesting from the Fisheries Loan Fund Program.

(3) *Financial information.*

(a) Recent balance sheet for your vessel's business (this must be for the vessel whose mortgage is in jeopardy of default). All vessel debts must be disclosed, with the amount and frequency of repayments. List acquisition cost and market value for all non-cash assets. All items must be described enough to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes you money.<sup>1</sup>

(b) Profit and loss statement for your vessel during last 12 months (this must be for the vessel whose mortgage is in jeopardy or default). Please be specific about all items of profit and loss.

(c) Federal income tax returns for your vessel business for the last 3 years.<sup>1</sup>

(d) Trip settlement sheets for the past 90 days (for the vessel whose mortgage is in jeopardy or default).

(e) Balance sheet for any other business you own.

(f) Name, address, and telephone number of your bookkeeper and your attorney.

(g) Name, address, and telephone number of the principal people who buy your vessel's catch and the principal people who sell supplies and services to your vessel.

(4) *Vessel information* (for the vessel whose mortgage is in jeopardy of default).

(a) Names, addresses, and phone numbers of mortgagees and present outstanding balance of each mortgage.

(b) Current U.S. Coast Guard form 1330 (certificate of ownership).

(c) Recent photograph of vessel (if available).

(d) Inventory of vessel equipment and description of vessel's rigging.

(e) Survey report for vessel.

(f) Type and amount of insurance carried on vessel (plus name, address, and telephone number of agent).

(g) Number of engine hours and date of last engine overhaul.

(h) Date of last vessel dry dock.

(i) Vessel acquisition cost and present market value.

(j) Complete disclosure of all lienable vessel debt.

(5) *Concessions.* Describe whatever concessions, if any, your vessel's mortgage holder or trade creditors are willing to make if your Fisheries Loan Fund application is approved. Include a letter from them stating their willingness to make the concession.

**List of Subjects in 50 CFR Part 250**

Fishing vessels, Loan program, Business.

(16 U.S.C. 742a-742k)

Dated: April 20, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Services.

[FR Doc. 84-11296 Filed 4-25-84; 8:45 am]

BILLING CODE 3510-22-M



The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people. It was organized in 1847 and has since that time been the leading organization of the medical profession in this country. Its membership is composed of physicians, surgeons, dentists, and other medical practitioners who are interested in the advancement of their profession and the welfare of the community. The Association's activities are directed towards the improvement of medical education, the advancement of medical research, and the promotion of public health. It also engages in various other activities, such as the publication of the Journal of the American Medical Association, the holding of annual meetings, and the maintenance of a library of medical books and journals. The Association's efforts have been instrumental in the development of the medical profession in this country and in the improvement of the health of the people.

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# Environmental Protection Agency

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Thursday  
April 26, 1984

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## Part III

### Environmental Protection Agency

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40 CFR Part 60

Standards of Performance for New  
Stationary Sources; Lime Manufacturing  
Plants; Final Rule



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 60

[AD-FRL 2506-8]

### Standards of Performance for New Stationary Sources; Lime Manufacturing Plants

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

**ACTION:** Final rule.

**SUMMARY:** Amendments to the standards of performance for lime manufacturing plants were proposed in the Federal Register on September 2, 1982 (47 FR 38832). This action promulgates the amendments to the standards of performance for lime manufacturing plants, which were proposed on May 3, 1977. The standards apply to new, modified, and reconstructed rotary kilns for which construction was commenced after May 3, 1977. These standards implement Section 111 of the Clean Air Act and are based on a determination that lime manufacturing plants cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed rotary kilns in lime manufacturing plants to control emission to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

**EFFECTIVE DATE:** April 26, 1984.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard 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 initiated to enforce these requirements.

**ADDRESSES:** *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Lime Manufacturing Plants—Background Information for Promulgated Standards" (EPA-450/3-84-008). The BID contains (1) a summary

of all the public comments made on the proposed amended standards along with responses to the comments, and (2) a summary of the changes made to the standards since proposal.

**Docket.** Docket number A-80-53, containing information considered in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Ajax, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

#### SUPPLEMENTARY INFORMATION:

##### Background

New source performance standards for lime manufacturing plants were proposed on May 3, 1977. Final rules were promulgated on March 7, 1978. As promulgated, standards of performance for lime manufacturing plants limited particulate matter emissions from rotary lime kilns to no greater than 0.15 kilogram per megagram (kg/Mg) [0.30 pound per ton (lb/ton)] of limestone feed. The opacity of the exhaust gases from rotary lime kilns was limited to less than 10 percent. The particulate matter emission limit for any lime hydrator was 0.075 kg/Mg (0.15 lb/ton) of limestone feed.

The National Lime Association (NLA) filed a petition for review of the standards with the United States Court of Appeals for the District of Columbia Circuit. On May 19, 1980, the Court of Appeals remanded the standard. *National Lime Association v. EPA*, 627 F.2d 416 (D.C. Cir. 1980).

Following review of the standards, a response to the Court remand and a rule change were proposed in the *Federal Register* (47 FR 38832) on September 2, 1982. The proposed amendments to the standards raised the level of the emission limit for particulate emissions from rotary lime kilns from 0.15 kg/Mg (0.30 lb/ton) to 0.30 kg/Mg (0.60 lb/ton) of limestone feed. The visible emission limit for rotary lime kilns remained at 10 percent opacity. Finally, the emission limit for lime hydrators was deleted.

The proposed remand response clarified that although wet scrubbers were a demonstrated technology for control of rotary lime kiln emissions,

they were not best demonstrated technology. Compared to the performance of fabric filters and ESP's, wet scrubber performance is more sensitive to variations in inlet dust concentration and particle size. In addition, the annual operating costs for a wet scrubber are significantly greater than those for a fabric filter or ESP designed to comply with the new source performance standards. This finding does not preclude the use of wet scrubbers because owners and operators of rotary kilns regulated by the standards may use control devices of their own choosing to comply with the standards.

#### The Final Amendments

In response to public comments, changes have been made to the proposed amendments. The most significant changes are to the visible emission standard and the continuous monitoring requirement. The rationale for the changes is discussed in the Section entitled "Significant Comments and Changes to the Proposed Amendment."

The promulgated amendments apply the standards to new, modified, or reconstructed rotary lime kilns for which construction was commenced after May 3, 1977. Existing rotary lime kilns are not subject to the regulation unless modified or reconstructed (as defined in 40 CFR 60.14, or 60.15). The numerical emission limits of the promulgated standards reflect the performance of fabric filters and ESP's, which are considered best demonstrated technology for control of particulate matter emissions for rotary lime kilns. The promulgated standards limit emissions of particulate matter from each rotary lime kiln to 0.30 kg/Mg (0.60 lb/ton) of limestone feed. In addition, the definition of limestone feed is expanded to include the weight of iron-oxide additives used in the production of iron-bearing lime. The visible emission limit for rotary lime kilns is increased from 10 percent to 15 percent opacity.

For positive-pressure fabric filters, the promulgated standards permit the use of certified visible emission observers to monitor the opacity of exhaust gases from rotary lime kilns in lieu of continuous opacity monitoring. Visible emission observations, taken in accordance with Reference Method 9, must occur during normal operation of the rotary lime kiln, at least once per day of operation. Because a Reference Method 9 test is the method used to determine compliance with the control device visible emission standard, reports of such test from positive-



pressure fabric filters may be used to determine compliance with the control device visible emission standard. For negative-pressure fabric filters, however, continuous opacity monitors continue to be required.

Excess emission reports will be required on a semi-annual basis rather than on a quarterly basis.

#### Summary of Environmental, Energy, and Economic Impacts

In remanding the new source performance standards in lime manufacturing plants, the Court did not question the original analysis of economic, energy, or environmental impacts. ["Standards Support and Environmental Impact Statement, Volume I: Proposed Standards of Performance for Lime Manufacturing Plants" (EPA-450/2-77-007a)]. These impacts were discussed during the original rulemaking and are still considered valid.

#### Public Participation

To provide interested persons the opportunity for oral presentation of data, views, and arguments concerning the proposed amendments, a public hearing was held on November 18, 1982, at Research Triangle Park, North Carolina. The hearing was open to the public, and each attendee was given an opportunity to comment on the proposed amendments. Eleven speakers presented comments. The public comment period for written comments extended from September 2, 1982, to December 20, 1982. Thirteen written comments were received. The oral and written comments have been considered, and, where appropriate, changes have been made to the proposed amendments.

#### Significant Comments and Changes to the Proposed Amendments

Comments on the proposed amendments were received from industry representatives, their trade association, and one individual. A detailed discussion of these comments and responses can be found in the background information document (BID) for the promulgated amendments referenced in the ADDRESSES section of this preamble. The summary of comments and responses in the BID serves as the basis for the changes that have been made to the proposed amendments. The major comments and responses are summarized in this preamble under the following headings: Rotary Lime Kiln Opacity Standard, Applicability Date, and Continuous Monitoring Requirement.

#### Rotary Lime Kiln Opacity Standard

The majority of the lime industry's oral and written comments reflect their concern that the 10 percent visible emission limit for rotary lime kilns was not achievable. One commenter discussed his theory that unique properties of particulate matter generated in the lime kiln create hydrate particles prior to the fabric filter inlet. The commenter concludes that the hydrate particles will cause long-term variations in opacity of emissions at the fabric filter outlet, and a visible emission standard of 20 percent opacity should account for this variability. Another commenter asserted that the data used to develop the visible emission limit are invalid because the mass emission test data from Plants B, C, D, and E (which were taken simultaneously with the opacity data) are flawed. Consequently, the commenter believes these data do not demonstrate the achievability of the mass emission limit or the visible emission limit. Five commenters stated that they had test data that demonstrated that the visible emission limit was not achievable.

The commenter's study of rotary lime kiln dynamics does provide an indication that hydrate particles are formed prior to the fabric filter inlet. The study does not, however, include any data about particle characteristics or concentration at the fabric filter outlet. Nor does it include any Reference Method 9 data to substantiate the validity of informally-recorded visible emission observations made at the fabric filter outlet. The absence of these types of data does not, in itself, invalidate the commenter's theory or conclusion. However, existing fabric filter theory and studies have demonstrated that particle characteristics and concentrations at fabric filter outlets are invariant over a broad range of fabric filter inlet particle characteristics and concentrations. Furthermore, the extensive data base supporting the visible emission standard (discussed below) covers the range of particle characteristics, concentrations, and kiln operations expected in the industry and demonstrates the achievability of a standard more stringent than that suggested by the commenter.

Moreover, while the commenter's study was being performed, the fabric filter controlling emissions from the kiln under study by the commenter was operated at air flows ranging from 27 to 62 percent greater than design values. This causes actual air-to-cloth ratios to be higher than design values. Thus, the bag filter will be under greater stress

than that for which it was designed, and uncaking may occur, thereby resulting in an actual control efficiency that is less than the design control efficiency.

The acceptability of mass emission data from Plants B, C, D, and E was not at issue in the Court remand. It is important to note, however, that the acceptance of emission test data does not imply that the tests are completely free of minor errors. With the multiplicity of parameters, procedures, and physical tolerances used in each test, seldom is any test free of minor errors. This is the case with several of the tests in the data base supporting the mass emission limit. As explained in detail in the background information document, however, these minor errors are not significant, and they do not affect the accuracy or reliability of the mass emission test results. Therefore, both the mass emission data and the visible emission data are valid and support the promulgated amendments to the existing standard.

Of the five commenters who said they had data demonstrating that the visible emission limit was unachievable, none submitted the data during the public hearing or the public comment period. Written requests for Reference Method 9 visible emission data were sent to these commenters, but no data were received. One commenter submitted photographs of plumes and mass emission test data (some of which were collected in accordance with Reference Method 5) to illustrate visible emission problems with two fabric filters that control emissions from three rotary lime kilns. Although the kilns and fabric filters were not designed to meet the existing new source performance standards, the mass emission data indicated an emission rate substantially below the mass emission limit included in the standards. The opacity of the visible emissions, however, cannot be determined with accuracy from these photographs, and no Reference Method 9 visible emissions data were gathered to quantify the opacity of the visible emissions from these rotary lime kilns.

However, if the facility described above were subject to new source performance standards and experienced difficulty in complying with the visible emission limit for rotary lime kilns, a remedy is available if certain conditions are met. Section 60.11(e) of the General Provisions of 40 CFR Part 60, which applies to all standards of performance, ensures that this facility would be treated equitably. This provision may be used to obtain an individual visible emission limit tailored to the unique circumstances of a specific facility. To



obtain this standard, the affected facility must demonstrate with a performance test that it meets the mass emission limit; that the facility and associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance test; that the performance test was performed under conditions approved by the Administrator; and that the facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard. The requirements of § 60.11(e) can be accomplished during the original compliance test. An individual visible emission limit is automatically approved upon demonstration of compliance with the above criterion and imposes no costs beyond those of the performance test.

In responding to the comments on the proposed visible emission limit, over 1,200 Reference Method 9 6-minute averages from six rotary lime kiln control device exhaust stacks used to develop this limit were reviewed. The review indicates that the data cover the variation of particle characteristics and normal operation likely to be found in the industry. These data were gathered simultaneously with Reference Method 5 mass emission tests and include runs where the mass emission level was as high as 0.29 kg/Mg (0.58 lb/ton). More than 71 percent of the Reference Method 9 visible emission data exhibit normalized opacities of 0 percent and 99.7 percent exhibit normalized opacities of less than 10 percent. The highest raw opacity data point was 6.7 percent, and only 4 of the over 1,200 data points exceeded 10 percent after normalization to a 3.0-meter stack diameter, with 10.6 percent as the maximum value. This data base differs in one respect from the data base on which the proposed visible emission standard was based. The one difference is that the data base now includes data submitted to the Agency in October 1983 by the Tenn-Luttrell Lime Company. The Tenn-Luttrell data show that the NSPS mass emission limit was achieved but that there were two 6-minute average opacities at 10.6 percent. On the basis of available data, including that from Tenn-Luttrell, and to ensure that the visible emission limit is achievable, the standard has been revised from 10 percent to 15 percent opacity.

#### Applicability Date

Several lime manufacturing companies commented that the applicability date for the new source performance standards should be

September 2, 1982, rather than May 3, 1977. These commenters believe that because there have been two proposals, the first of which is over 5 years old, and because the standard has been remanded, Section 111(a)(2) of the Clean Air Act requires that the applicability date be that of the later proposal. One commenter also argues that because wet scrubbers are not considered to be best demonstrated technology, maintaining the earlier date penalizes a company that must install venturi scrubbers because of space limitations. The commenter, therefore, asks that the promulgated amendments not apply to their wet scrubbers, which are being installed because of limited space.

Section 111(a)(2), of the Clean Air Act clearly states that "new sources" subject to new source performance standards are those sources which commence construction or modification after proposal of a standard of performance. New source performance standards for lime manufacturing plants were proposed on May 3, 1977 (42 FR 22506), and sources constructed or modified after that date are, therefore, new sources subject to the standard.

The fact that standards are remanded does not exempt those sources constructed or modified prior to the proposed remand response. *United States v. City of Painesville*, 644 F.2d 1186 (6th Cir. 1981), cert. den. 102 S.Ct. 392 (1981). Similarly, revision of standards to more accurately reflect the performance of best demonstrated technology in response to a remand does not exempt sources. See, *Portland Cement Association v. Train*, 513 F.2d 506 (D.C. Cir. 1975), cert. den. 423 U.S. 1025 (1975). Finally, the fact that promulgation is delayed until well after the original proposal does not, in itself, exempt sources. See, *Commonwealth of Pennsylvania v. EPA*, 618 F.2d 991, 1000 (3rd Cir. 1980). (See docket entry IV-B-4 for further discussion.)

An investigation of the rotary lime kilns and wet scrubbers installed at the plant citing space limitations reveals that the standards have not imposed any penalties. The costs of installing and operating the venturi scrubbers at this plant were actually less than those estimated and published with the proposed standards of performance. The relevant question, however, to answer in responding to this comment is whether limited space required the installation of wet scrubbers. Because the length of the new kilns installed at this plant was greater than the available space between the feedstock and product handling areas, the product handling area was moved to accommodate the

new kilns and control devices. However, the product handling area was moved only far enough to accommodate wet scrubbers. If the handling area had been moved further, either fabric filters or ESP's could have been installed. Thus, even though the decision to install wet scrubbers may have been reasonable from the plant's point of view, wet scrubbers were not the only devices that could have been installed. In sum, a subcategory of sources that must install scrubbers and for which the standard would not reflect BDT does not exist.

#### Continuous Monitoring Requirement

Several lime companies believe that transmissometers (required for visible emission monitoring) are unreliable and inaccurate. A representative from one lime company cited problems with an early type of transmissometer known as a Bailey Balometer. Representatives from another company cited problems with the instrument that records transmissometer readings to emphasize their belief that the monitoring system is unreliable.

Available information and data, however, demonstrate the reliability and accuracy of transmissometers for negative-pressure fabric filters over extended periods of time. These include extended service in environments such as portland cement kiln and boiler exhaust gas streams. The data indicate that, as long as the transmissometers were installed and monitored according to Performance Specification 1 contained in 40 CFR Part 60 Appendix B, reliability and accuracy were excellent.

The Bailey Balometer referred to by one commenter does not meet this performance specification and, thus, should not be installed to comply with the opacity monitoring requirements. After talking with representatives of the company experiencing data recording problems, these problems were traced to the choice of an inappropriate transmission frequency, which resulted in interference from other nearby equipment.

Transmissometers, however, are not practicable for positive-pressure fabric filters. There are technical problems with operating a single transmissometer to monitor the opacity of visible emissions exiting from these fabric filters. Since installation of transmissometers for each exit port of a positive-pressure fabric filter is economically unreasonable, another visible emission monitoring approach has been selected for these fabric filters. The final amendments permit positive-pressure fabric filters to be inspected visually during normal operation on a



daily basis and visible emission observations to be recorded (according to the procedures of Reference Method 9) for three 6-minute periods for each exit port exhibiting any visible emissions. Production rates within 10 to 15 percent of design capacity are considered to be normal operation. Because a Reference Method 9 test is the method used to determine compliance with the control device visible emission standard, reports of such tests from positive-pressure fabric filters may be used to determine compliance with the control device visible emission standard. This amendment does not apply to facilities using negative-pressure fabric filters or ESP's. These facilities must continue to install, operate, and maintain transmissometers.

#### Information Requirements Impacts

The regulation will require no reports in addition to those required under the General Provisions of 40 CFR Part 60, except for those related to wet scrubber pressure drop and liquid flow rate, which are required in lieu of the visible emission requirements at facilities controlled by other types of equipment. The General Provisions contain notification requirements, which enable the Agency to keep abreast of facilities subject to the regulation; they contain requirements for the conduct and reporting of initial performance tests; and they require quarterly reports of excess emissions. However, excess emission reports will be required on a semi-annual basis rather than the quarterly basis specified in the General Provisions. Analysis of these reporting requirements indicates that they are both necessary and reasonable considering the savings in time and resources required for effective enforcement. In the absence of these reporting requirements, effective enforcement of the regulation would require frequent individual inspections and tests.

Information collection requirements associated with this regulation (those included in 40 CFR Part 60, Subparts A and HH) have been approved by the Office of Management and Budget (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 2060-0063.

#### Regulatory Flexibility Analysis

This standard was proposed before January 1, 1981, and therefore is not

subject to the requirements of the Regulatory Flexibility Act. This action, however, will not have significant impacts on small entities because it is a technical amendment to a standard that simply makes that standard conform to the capabilities of the control technologies on which the standard was based. In addition, it is less restrictive than the original proposal.

#### Docket

The docket is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file, because material is added throughout the rulemaking development. The docket system is intended to allow members of the public and industries involved in the rulemaking to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and 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

The effective date of this regulation is April 26, 1984. Section 111 of the Clean Air Act provides that standards of performance of revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal.

The promulgation of these standards was preceded by a determination that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare (42 FR 22510, May 3, 1977). In addition, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies in accordance with Section 117.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment of "revisions (of new source performance

standards) which the Administrator determines to be substantial \* \* \* [Section 317(a)]. This amendment is not substantial because it is a technical adjustment that simply makes the standard conform to the capabilities of the control technologies on which the original standard was based. Therefore, no economic impact assessment of the proposed amendment has been prepared. The Administrator prepared an economic analysis of the standard in the original rulemaking. The economic impacts are essentially as described in the original economic analysis. ["Standards Support and Environmental Impact Statement, Volume I: Proposed Standards of Performance for Lime Manufacturing Plants" (EPA-450/2-77-007a)]. However, the cost effectiveness of compliance with the final rotary kiln particulate matter mass emission standard has been evaluated. The incremental cost effectiveness of compliance with the NSPS instead of with a typical State implementation plan is \$360/ton for a typical rotary kiln.

Under Executive Order 12291, a regulation considered "major" is subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because: (1) The national annualized compliance costs, including capital charges resulting from the standards, total less than \$100 million; (2) the amended standards do not cause a major increase in prices or production costs; and (3) the standards do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

#### 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, Lime.



Dated: April 13, 1984.  
William D. Ruckelshaus,  
Administrator.

## Regulation

### PART 60—[AMENDED]

Subpart HH, Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is revised to read as follows:

#### § 60.340 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to each rotary lime kiln used in the manufacture of lime.

(b) The provisions of this subpart are not applicable to facilities used in the manufacture of lime at kraft pulp mills.

(c) Any facility under paragraph (a) of this section that commences construction or modification after May 3, 1977, is subject to the requirements of this subpart.

(Sec. 111, Clean Air Act, as amended (42 U.S.C. 7414))

#### § 60.341 Definitions.

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in the General Provisions.

(a) "Lime manufacturing plant" means any plant which uses a rotary lime kiln to produce lime product from limestone by calcination.

(b) "Lime product" means the product of the calcination process including, but not limited to, calcitic lime, dolomitic lime, and dead-burned dolomite.

(c) "Positive-pressure fabric filter" means a fabric filter with the fans on the upstream side of the filter bags.

(d) "Rotary lime kiln" means a unit with an inclined rotating drum that is used to produce a lime product from limestone by calcination.

(e) "Stone feed" means limestone feedstock and millscale or other iron oxide additives that become part of the product.

#### § 60.342 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any rotary lime kiln any gases which:

(1) Contain particulate matter in excess of 0.30 kilogram per megagram (0.60 lb/ton) of stone feed.

(2) Exhibit greater than 15 percent opacity when exiting from a dry emission control device.

(Sec. 114, Clean Air Act, as amended (42 U.S.C. 7414))

#### § 60.343 Monitoring of emissions and operations.

(a) The owner or operator of a facility that is subject to the provisions of this subpart shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in paragraphs (b) and (c) of this section, to monitor and record the opacity of a representative portion of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 40 percent opacity.

(b) The owner or operator of any rotary lime kiln using a positive-pressure fabric filter control device subject to the provisions of this subpart may, in lieu of the continuous monitoring requirement of § 60.343(a), monitor visible emissions at least once per day of operation by using a certified visible emissions observer who, for each site where visible emissions are observed, will perform and record three Method 9 tests on the gases discharged into the atmosphere.

(c) The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this subpart shall not be required to monitor the opacity of the gases discharged as required in paragraph (a) of this section, but shall install, calibrate, maintain, operate, and record the resultant information from the following continuous monitoring devices:

(1) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be accurate within  $\pm 250$  pascals (one inch of water).

(2) A monitoring device for continuous measurement of the scrubbing liquid supply pressure to the control device. The monitoring device must be accurate within  $\pm 5$  percent of the design scrubbing liquid supply pressure.

(d) For the purpose of conducting a performance test under § 60.8, the owner or operator of any lime manufacturing plant subject to the provisions of this subpart shall install, calibrate, maintain, and operate a device for measuring the mass rate of stone feed to any affected rotary lime kiln. The measuring device used must be accurate to within  $\pm 5$  percent of the mass rate over its operating range.

(e) For the purpose of reports required under § 60.7(c), periods of excess

emissions that shall be reported are defined as all 6-minute periods during which the average opacity of the visible emissions from any lime kiln subject to paragraph (a) of this subpart is greater than 15 percent or, in the case of wet scrubbers, any period in which the scrubber pressure drop is greater than 30 percent below the rate established during the performance test. Reports of excess emissions recorded during observations made as required by § 60.344(c) shall be submitted semi-annually.

(Sec. 114, Clean Air Act, as amended (42 U.S.C. 7414))

(Approved by the Office of Management and Budget under Control Number 2060-0039)

#### § 60.344 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 § 60.342(a) as follows:

- (1) Method 1 for sample and velocity traverses;
- (2) Method 2 for velocity and volumetric flow rate;
- (3) Method 3 for gas analysis;
- (4) Method 4 for stack gas moisture;
- (5) Method 5 or 5D for the measurement of particulate matter; and
- (6) Method 9 for visible emissions.

(b) For Method 5 or 5D, the sampling time for each run shall be at least 60 minutes, and the sampling rate shall be at least 0.85 std m<sup>3</sup>/h, dry basis (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) Visible emission observations of positive-pressure fabric filters shall occur during normal operation of the rotary lime kiln, at least once per day of operation. For at least three 6-minute periods, the opacity shall be recorded and maintained for any point(s) where visible emissions are observed, and the corresponding feed rate of the kiln shall also be recorded and maintained. These observations shall be taken in accordance with Method 9. Records shall be maintained of any 6-minute average that is in excess of the emissions limit specified in § 60.342(a) of this subpart.

(Sec. 114, Clean Air Act, as amended (42 U.S.C. 7414))

(Approved by the Office of Management and Budget under Control Number 2060-0063)

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