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thereunder, shall document that (1) any loan which might be obtained under provisions of such Act would not be available on reasonable terms as defined in § 39.105-5 of this Part; or (ii) The Farmers Home Administration has, pursuant to its authority under such Act, denied loan assistance to the public body for the non-Federal share of total project costs.

(e) The application shall include a detailed schedule of estimated revenues for the treatment works system and their disposition over the life of the obligations which the Authority is requested to purchase. The schedule shall show that sufficient amounts will be available to meet each payment of principal and interest on such obligations and to provide for reasonable reserves for future payments. The Regional Administrator shall not certify that such obligations are eligible for purchase by the Authority unless he determines it is reasonable to anticipate that adequate revenues will be available.

(f) The application shall be accompanied by a legal opinion establishing that the applicant has legal authority to obligate itself for payment of the non-Federal share, to construct the project(s) and to issue the obligations, and that the obligations will be legal and binding obligations.

(g) The Regional Administrator may require the submission of additional financial or other information which he considers necessary.

§ 39.115 Limitation on assistance.

The amount of any grant, loan, or other assistance available from another Federal agency, a State, or other third parties for the non-Federal share of a project will be deducted from the amount which would be otherwise financed by the Authority, unless such assistance is not available on reasonable terms.

§ 39.118 Repayment period.

The repayment period for any obligation financed by the Authority shall be for a reasonable term not to exceed the useful life of the project or thirty years, whichever is less.

§ 39.120 Certification.

(a) Upon being satisfied that the requirement of the Environmental Financing Act and of these regulations have been fulfilled, the Regional Administrator may certify to the Authority, through the Administrator, that the public body is unable to obtain on reasonable terms sufficient credit to finance the non-Federal share of the project and that the obligations proposed to be issued to the Authority are otherwise eligible for purchase by it, provided that no such certification may be made in the case of a project for which the permanent financing occurred prior to October 18, 1972.

(b) The public body receiving certification must agree to:

(1) Maintain the facilities in good repair and operating condition during the period in which obligations financed by the Authority are outstanding.

(2) Maintain insurance and bonding adequate to protect the guarantor.

(3) Maintain and preserve until 3 years after the obligations financed by the Authority have been retired financial reports (including annual operating budgets) necessary to reflect receipt of revenues for repayment.

(4) Adopt a financial system designed to provide revenues adequate to assure repayment of principal and interest of obligations financed by the Authority. Such financial systems must be comparable to the capital cost recovery system relating to the Federal share of project costs in accordance with section 204(b) of the Act.

(5) Notify the Regional Administrator or his successor whenever it appears that projected annual revenues will be insufficient to meet payments for principal, interest, and operating costs.

(6) Revise its rate or rate structure with the approval of the Regional Administrator or his successor whenever such revisions are required to assure that annual revenues will be sufficient to meet projected operating costs and required payments of principal and interest.

(7) The enforcement of the foregoing conditions by the Regional Administrator or his successor in a court of competent jurisdiction.

(c) If the public body receiving certification will not be the operating agency, then such public body must produce evidence satisfactory to the Regional Administrator that the operating agency will meet the applicable requirements of paragraph (b) of this section.

(d) Obligations guaranteed by the Administrator may be subordinate to obligations issued prior to October 18, 1972, pursuant to instruments requiring such subordination. The Regional Administrator may consider a request for guarantee of obligations which will have equal standing with obligations which are issued to finance costs directly associated with the project but which are not eligible for guarantee by the Administrator.

§ 39.125 Guarantee.

The Administrator hereby unconditionally guarantees pursuant to section 12(e) (2) of the Act to the Authority and its successors or assigns full and timely payment of interest and principal in accordance with the terms of any obligation purchased by or issued to the Authority in reliance on any certification granted by a Regional Administrator pursuant to § 39.120.

[FR Doc.74-13632 Filed 6-13-74;8:45 am]

SUBCHAPTER C—AIR PROGRAMS PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES Miscellaneous Amendments

On December 23, 1971 (36 FR 24876), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated subpart A, General Provisions, and subparts D, E, F, G, and H which set forth standards of performance

for new and modified facilities within five categories of stationary sources: (1) Fossil fuel-fired steam generators, (2) incinerators, (3) portland cement plants, (4) nitric acid plants, and (5) sulfuric acid plants. Corrections to these standards were published on July 26, 1972 (37 FR 14877), and on May 23, 1973 (38 FR 13562). On October 15, 1973 (38 FR 28564), the Administrator amended subpart A, General Provisions, by adding provisions to regulate compliance with standards of performance during startup, shutdown, and malfunction. On March 8, 1974 (39 FR 9308), the Administrator promulgated Subparts I, J, K, L, M, N, and O which set forth standards of performance for new and modified facilities within seven categories of stationary sources: (1) Asphalt concrete plants, (2) petroleum refineries, (3) storage vessels for petroleum liquids, (4) secondary lead smelters, (5) brass and bronze ingot production plants, (6) iron and steel plants, and (7) sewage treatment plants. In the same publication, the Administrator also promulgated amendments to subpart A, General Provisions. Corrections to these standards were published on April 17, 1974 (39 FR 13776).

Subpart D, E, F, G, and H are revised below to be consistent with the October 15, 1973, and March 8, 1974, amendments to subpart A. At the same time, changes in wording are made to clarify the regulations. These amendments do not modify the control requirements of the standards of performance. Also, to be consistent with the Administrator's policy of converting to the metric system, the standards of performance and other numerical entries, which were originally expressed in English units, are converted to metric units. Some of the numerical entries are rounded after conversion to metric units. It should be noted that the numerical entries in the reference methods in the appendix will be changed to metric units at a later date.

The new source performance standards promulgated March 8, 1974, applicable to petroleum storage vessels, included within their coverage storage vessels in the 40,000 to 65,000 gallon size range. The preamble to that publication discussed the fact that vessels of that size had not been included in the proposed rule, and set forth the reasons for their subsequent inclusion. However, through oversight, nothing was set forth in the regulations or preamble prescribing the effective date of the standards as to vessels within the 40,000 to 65,000 gallon range.

Section 111(a) (2) of the Act specifies that only a source for which construction is commenced after the date on which a pertinent new source standard is prescribed is subject to the standard unless the source was covered by the standard as proposed. In this case, the date of prescription or promulgation of the standard is clearly the operative date since there was no proposal date. Accordingly, § 60.1 is amended below to conform to the language of section 111 (a) (2), and all persons are advised hereby that the provisions of Part 60

promulgated March 8, 1974, apply to storage vessels for petroleum liquids in the 40,000 to 65,000 gallon size range for which construction is commenced on or after that date.

On March 8, 1974, § 60.7(d) was added to require owners and operators to retain all recorded information, including monitoring and performance testing measurements, required by the regulations for at least 2 years after the date on which the information was recorded. This requirement is therefore deleted from Subparts D, E, F, G, and H specific to each new source in this group to avoid repetition. On March 8, 1974, the definitions of "particulate matter" and "run" were added to § 60.2. Therefore the definition of "particulate matter" is removed from Subparts D, E, F, G, and H, and the term "repetition," used in these subparts in sections pertinent to performance tests, is changed to "run."

On October 15, 1973, § 60.8(c) was revised to require that performance tests be conducted under conditions specified by the Administrator based on representative performance of the affected facility. For that reason, the sections in Subparts D, E, F, G, and H specifying operating conditions to be met during performance tests are deleted.

Sections 60.40, 60.41(b) and 60.42(a) (1) are revised to clarify that the performance standards for steam generators do not apply when an existing unit changes to accommodate the use of combustible materials other than fossil fuel as defined in § 60.41(b).

Sections 60.41(a) and 60.51(a) are revised to eliminate the requirement that a unit have a "primary" purpose. This change is intended to prevent circumvention of a standard by simply defining the primary purpose of a unit as something other than steam production or reducing the volume of solid waste.

In § 60.46, A.S.T.M. Methods D2015-66 (Reapproved 1972), D240-64 (Reapproved 1973), and D1826-64 (Reapproved 1970) are specified for measuring heating value. Prior to this issue no method was specified for determining heating value.

The phrase "maximum 2-hour average" in the standards of performance prescribed in §§ 60.42, 60.52, 60.62, 60.72, and 60.82 is deleted. Concurrently, in §§ 60.46, 60.54, 60.64, and 60.85 the sampling time requirements for particulate matter and acid mist are changed from a minimum of 2 hours to a minimum of 60 minutes per run. The phrase "maximum 2-hour average" is not consonant with § 60.8(f) which requires that compliance be determined by averaging the results of three runs. Results from performance tests conducted at power plants and other sources have not shown any decrease in the accuracy or precision of 1-hour samples as compared with 2-hour samples, and therefore the extra hour required to sample for 2 hours is not justified. The time interval between samples for sulfur dioxide and nitrogen oxides was originally established so that one run would be completed at approx-

imately the same time as the particulate matter run. To maintain this relationship, the sampling intervals specified in §§ 60.46 and 60.74 are shortened to be consistent with the 60-minute-per-run requirement.

The requirement prescribed in §§ 60.46, 60.64, 60.74 and 60.85 for using "suitable flow meters" for measuring fuel and product flow rates is deleted. Such meters may be used if available, but other suitable methods of determining the flow rate of fuel or product during the test period may also be used.

A procedure specifying how to allow for carbon dioxide absorption in a wet scrubber and a formula for correcting particulate matter emissions to a basis of 12 percent CO₂ are added to § 60.54.

In anticipation of adding other appendices, the present appendix to Part 60 is being retitled "Appendix A—Reference Methods." The definitions of "reference method" and "particulate matter" are amended to be consistent with this change.

In the regulations in Subpart K setting forth the performance standard for storage vessels for petroleum liquids, the definition of "crude petroleum" was to have been changed to be consistent with the definition of "petroleum" in Subpart J. This change was inadvertently not made in 39 FR 9308 and thus §§ 60.110 and 60.111 are amended by replacing the term "crude petroleum" with "petroleum."

The remaining structural and wording changes are made for purposes of clarification.

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia remanded to EPA for further consideration the new source performance standards for portland cement plants. *Portland Cement Association v. Ruckelshaus*, 486 F.2d 375. On September 10, 1973, the same Court remanded to EPA for further consideration the new source performance standards for sulfuric acid plants and coal-fired steam electric generators. *Essex Chemical Co. v. Ruckelshaus*, 486 F.2d 427. The Agency has not completed its consideration with respect to the remanded standards. These amendments are not intended to constitute a response to the remands. At the time the Agency completes its consideration with respect to the remanded standards, it will publicly announce its decision and at that time if any revisions of the standards are deemed necessary or desirable, will make such revisions.

These actions are effective on June 14, 1974. The Agency finds good cause exists for not publishing these actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. These actions are intended for clarification and for maintaining consistency throughout the regulations. They are not intended to alter the substantive content of the regulations.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek ju-

dicial review of the actions may do so without delay.

(42 U.S.C. 1857 (c) (6) and (9))

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.1 is revised to read as follows:

§ 60.1 Applicability.

The provisions of this part apply to the owner or operator of any stationary source which contains an affected facility the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to such facility.

2. Section 60.2 is amended by revising paragraphs (s) and (v) as follows:

§ 60.2 Definitions.

(s) "Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

(v) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by Method 5 of Appendix A to this part or an equivalent or alternative method.

3. Section 60.40 is revised to read as follows:

§ 60.40 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each fossil fuel-fired steam generating unit of more than 63 million kcal per hour heat input (250 million Btu per hour), which is the affected facility. Any change to an existing fossil fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this subpart, shall not bring that unit under the applicability of this subpart.

4. Section 60.41 is amended by deleting "primary" in paragraph (a), revising paragraph (b), and deleting paragraph (c). As amended, § 60.41 reads as follows:

§ 60.41 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, and in subpart A of this part.

(a) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(b) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

5. Section 60.42 is revised to read as follows:

§ 60.42 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 affected facility any gases which:

(1) Contain particulate matter in excess of 0.18 g per million cal heat input (0.10 lb per million Btu) derived from fossil fuel.

(2) Exhibit greater than 20 percent opacity except that a maximum of 40 percent opacity shall be permissible for not more than 2 minutes in any hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

6. Section 60.43 is revised to read as follows:

§ 60.43 Standard for sulfur dioxide.

(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 affected facility any gases which contain sulfur dioxide in excess of:

(1) 1.4 g per million cal heat input (0.80 lb per million Btu) derived from liquid fossil fuel.

(2) 2.2 g per million cal heat input (1.2 lb per million Btu) derived from solid fossil fuel.

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{y(1.4) + z(2.2)}{y+z}$$

where:

y is the percentage of total heat input derived from liquid fossil fuel, and

z is the percentage of total heat input derived from solid fossil fuel.

(c) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

7. Section 60.44 is revised to read as follows:

§ 60.44 Standard for nitrogen oxides.

(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 affected facility any gases which contain nitrogen oxides, expressed as NO_x, in excess of:

(1) 0.36 g per million cal heat input (0.20 lb per million Btu) derived from gaseous fossil fuel.

(2) 0.54 g per million cal heat input (0.30 lb per million Btu) derived from liquid fossil fuel.

(3) 1.26 g per million cal heat input (0.70 lb per million Btu) derived from solid fossil fuel (except lignite).

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.36) + y(0.54) + z(1.26)}{x+y+z}$$

where:

x is the percentage of total heat input derived from gaseous fossil fuel,

y is the percentage of total heat input derived from liquid fossil fuel, and

z is the percentage of total heat input derived from solid fossil fuel (except lignite).

§ 60.45 [Amended]

8. Section 60.45 is amended by deleting and reserving paragraph (f).

9. Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.42, 60.43, and 60.44 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 5 for the concentration of particulate matter and the associated moisture content;

(5) Method 6 for the concentration of SO₂; and

(6) Method 7 for the concentration of NO_x.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Methods 6 and 7, the sampling site shall be the same as that for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft).

(d) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sample volume shall be 0.02 dscm (0.71 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The arithmetic average of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(e) For Method 7, each run shall consist of at least four grab samples taken

at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run values.

(f) Heat input, expressed in cal per hr (Btu/hr), shall be determined during each testing period by multiplying the heating value of the fuel by the rate of fuel burned. Heating value shall be determined in accordance with A.S.T.M. Method D2015-66 (Reapproved 1972), D240-64 (Reapproved 1973), or D1826-64 (Reapproved 1970). The rate of fuel burned during each testing period shall be determined by suitable methods, and shall be confirmed by a material balance over the steam generation system.

(g) For each run, emissions expressed in g/million cal shall be determined by dividing the emission rate in g/hr by the heat input. The emission rate shall be determined by the equation $g/hr = Q_s \times c$ where Q_s = volumetric flow rate of the total effluent in dscm/hr as determined for each run in accordance with paragraph (a)(2) of this section.

(1) For particulate matter, c = particulate concentration in g/dscm, as determined in accordance with paragraph (a)(4) of this section.

(2) For SO₂, c = SO₂ concentration in g/dscm, as determined in accordance with paragraph (a)(5) of this section.

(3) For NO_x, c = NO_x concentration in g/dscm, as determined in accordance with paragraph (a)(6) of this section.

10. Section 60.50 is revised to read as follows:

§ 60.50 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each incinerator of more than 45 metric tons per day charging rate (50 tons/day), which is the affected facility.

§ 60.51 [Amended]

11. Section 60.51 is amended by striking the word "primary" in paragraph (a) and by deleting paragraph (d).

12. Section 60.52 is revised to read as follows:

§ 60.52 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 part shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.18 g/dscm (0.08 gr/dscf) corrected to 12 percent CO₂.

13. Section 60.53 is revised to read as follows:

§ 60.53 Monitoring of operations.

(a) The owner or operator of any incinerator subject to the provisions of this part shall record the daily charging rates and hours of operation.

14. Section 60.54 is revised to read as follows:

§ 60.54 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.52 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis and calculation of excess air, using the integrated sample technique.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) If a wet scrubber is used, the gas analysis sample shall reflect flue gas conditions after the scrubber, allowing for carbon dioxide absorption by sampling the gas on the scrubber inlet and outlet sides according to either the procedure under paragraphs (c) (1) through (c) (5) of this section or the procedure under paragraphs (c) (1), (c) (2) and (c) (6) of this section as follows:

(1) The outlet sampling site shall be the same as for the particulate matter measurement. The inlet site shall be selected according to Method 1, or as specified by the Administrator.

(2) Randomly select 9 sampling points within the cross-section at both the inlet and outlet sampling sites. Use the first set of three for the first run, the second set for the second run, and the third set for the third run.

(3) Simultaneously with each particulate matter run, extract and analyze for CO₂ an integrated gas sample according to Method 3, traversing the three sample points and sampling at each point for equal increments of time. Conduct the runs at both inlet and outlet sampling sites.

(4) Measure the volumetric flow rate at the inlet during each particulate matter run according to Method 2, using the full number of traverse points. For the inlet make two full velocity traverses approximately one hour apart during each run and average the results. The outlet volumetric flow rate may be determined from the particulate matter run (Method 5).

(5) Calculate the adjusted CO₂ percentage using the following equation:

$$(\% \text{ CO}_2)_{adj} = (\% \text{ CO}_2)_{at} (Q_{a1}/Q_{a2})$$

where:

(% CO₂)_{adj} is the adjusted CO₂ percentage which removes the effect of CO₂ absorption and dilution air,

(% CO₂)_{at} is the percentage of CO₂ measured before the scrubber, dry basis,

Q_{a1} is the volumetric flow rate before the scrubber, average of two runs, dscf/min (using Method 2), and

Q_{a2} is the volumetric flow rate after the scrubber, dscf/min (using Methods 2 and 5).

(6) Alternatively, the following procedures may be substituted for the procedures under paragraphs (c) (3), (4), and (5) of this section:

(i) Simultaneously with each particulate matter run, extract and analyze for CO₂, O₂, and N₂ an integrated gas sample according to Method 3, traversing the three sample points and sampling for equal increments of time at each point. Conduct the runs at both the inlet and outlet sampling sites.

(ii) After completing the analysis of the gas sample, calculate the percentage of excess air (% EA) for both the inlet and outlet sampling sites using equation 3-1 in Appendix A to this part.

(iii) Calculate the adjusted CO₂ percentage using the following equation:

$$(\% \text{ CO}_2)_{adj} = (\% \text{ CO}_2)_{at} \left[\frac{100 + (\% \text{ EA})_i}{100 + (\% \text{ EA})_o} \right]$$

where:

(% CO₂)_{adj} is the adjusted outlet CO₂ percentage,

(% CO₂)_{at} is the percentage of CO₂ measured before the scrubber, dry basis,

(% EA)_i is the percentage of excess air at the inlet, and

(% EA)_o is the percentage of excess air at the outlet.

(d) Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO₂ by using the following formula:

$$c_{12} = \frac{12c}{\% \text{ CO}_2}$$

where:

c₁₂ is the concentration of particulate matter corrected to 12 percent CO₂,

c is the concentration of particulate matter as measured by Method 5, and

% CO₂ is the percentage of CO₂ as measured by Method 3, or when applicable, the adjusted outlet CO₂ percentage as determined by paragraph (c) of this section.

§ 60.61 [Amended]

15. Section 60.61 is amended by deleting paragraph (b).

16. Section 60.62 is revised to read as follows:

§ 60.62 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 kiln any gases which:

(1) Contain particulate matter in excess of 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lb per ton).

(2) Exhibit greater than 10 percent opacity.

(b) 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 clinker cooler any gases which:

(1) Contain particulate matter in excess of 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lb per ton).

(2) Exhibit 10 percent opacity, or greater.

(c) 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 affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.

(d) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs (a) (2), (b) (2), and (c), such failure will not be a violation of this section.

17. Section 60.63 is revised to read as follows:

§ 60.63 Monitoring of operations.

(a) The owner or operator of any portland cement plant subject to the provisions of this part shall record the daily production rates and kiln feed rates.

18. Section 60.64 is revised to read as follows:

§ 60.64 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in § 60.62 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 5, the minimum sampling time and minimum sample volume for each run, except when process variables or other factors justify otherwise to the satisfaction of the Administrator, shall be as follows:

(1) 60 minutes and 0.85 dscm (30.0 dscf) for the kiln.

(2) 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

(c) Total kiln feed rate (except fuels), expressed in metric tons per hour on a dry basis, shall be determined during each testing period by suitable methods; and shall be confirmed by a material balance over the production system.

(d) For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation, g/hr = Q_s × c, where Q_s = volumetric flow rate of the total effluent in dscm/hr as determined in accordance with paragraph (a) (3) of this section, and c = particulate concentration in g/dscm as determined in accordance with paragraph (a) (1) of this section.

19. Section 60.72 is revised to read as follows:

§ 60.72 Standard for nitrogen oxides.

(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 affected facility any gases which:

(1) Contain nitrogen oxides, expressed as NO_x , in excess of 1.5 kg per metric ton of acid produced (3.0 lb per ton), the production being expressed as 100 percent nitric acid.

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.73 [Amended]

20. Section 60.73 is amended by deleting and reserving paragraph (d).

21. Section 60.74 is revised to read as follows:

§ 60.74 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.72 as follows:

(1) Method 7 for the concentration of NO_x ;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

(c) Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,

$$g/hr = Q_v \times c$$

where Q_v = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph (a) (3) of this section, and $c = \text{NO}_x$ concentration in g/dscm, as determined in accordance with paragraph (a) (1) of this section.

22. Section 60.81 is amended by revising paragraph (b) as follows:

§ 60.81 Definitions.

(b) "Acid mist" means sulfuric acid mist, as measured by Method 8 of Appendix A to this part or an equivalent or alternative method.

23. Section 60.82 is revised to read as follows:

§ 60.82 Standard for sulfur dioxide.

(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 affected facility any gases which contain sulfur dioxide in excess of 2 kg per metric ton of acid produced (4 lb per ton), the production being expressed as 100 percent H_2SO_4 .

24. Section 60.83 is revised to read as follows:

§ 60.83 Standard for acid mist.

(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 affected facility any gases which:

(1) Contain acid mist, expressed as H_2SO_4 , in excess of 0.075 kg per metric ton of acid produced (0.15 lb per ton), the production being expressed as 100 percent H_2SO_4 .

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.84 [Amended]

25. Section 60.84 is amended by deleting and reserving paragraph (d).

26. Section 60.85 is revised to read as follows:

§ 60.85 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.82 and 60.83 as follows:

(1) Method 8 for the concentrations of SO_2 and acid mist;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) Acid production rate, expressed in metric tons per hour of 100 percent H_2SO_4 , shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent H_2SO_4 , shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation, $g/hr = Q_v \times c$, where Q_v = volumetric flow

rate of the effluent in dscm/hr as determined in accordance with paragraph (a) (3) of this section, and c = acid mist and SO_2 concentrations in g/dscm as determined in accordance with paragraph (a) (1) of this section.

§ 60.110 [Amended]

27. Section 60.110(b) is amended by striking the words "the crude."

28. In § 60.111, paragraphs (b), (d), (g), and (h) are revised.

As amended § 60.111 reads as follows:

§ 60.111 Definitions.

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Numbers 2-D and 4-D as specified in A.S.T.M. D975-68.

(d) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(g) "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(h) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

29. The appendix to Part 60 titled "Appendix—Test Methods" is retitled "Appendix A—Reference Methods."

[FR Doc. 74-13633 Filed 6-13-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-1—GENERAL

PART 15-26—CONTRACT MODIFICATIONS

Novation and Change of Name Agreements

Chapter 15 of the Code of Federal Regulations is amended as set forth below. Subpart 15-1.51 is deleted because the Federal Procurement Regulations have issued a regulation on the same subject, Novation and Change of Name Agreements. A new subpart 15-26.4 is added to set forth internal procedures relative to the processing of such agreements.

It is the general policy of the EPA to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the

public rule making process is deemed unnecessary in this instance.

Effective date: These amendments are effective on June 14, 1974.

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

1. Subpart 15-1.51 is hereby deleted in its entirety.

2. The following is added to the table of contents of Part 15-26 contract modifications.

Subpart 15-26.4—Novation and Change of Name Agreements

Sec. 15-26.404 Processing novation and change of name agreements.

AUTHORITY: 40 U.S.C. 486(c).

Subpart 15-26.4—Novation and Change of Name Agreements

§ 15-26.404 Processing novation and change of name agreements.

(a) Any EPA procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by memorandum to the Director of Contracts Management Division.

(b) To avoid duplication of effort on the part of EPA activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between EPA and the contractor involved. The Chief of the Contracts Policy and Review Branch will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name agreement, including without limitation the following:

(1) Obtain from the contractor a list of all affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence.

(2) Verify the accuracy of the list of contractors through the Contract Information System.

(3) Draft and execute a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. The supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) Agreements and supporting documents covering successor in interest shall be reviewed for legal sufficiency by the Associate General Counsel for Grants, Contracts and General Administration

Division. Change of name agreements may be approved by the contracting officer.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Contracts Management Division.

(2) Advise each of the affected activities, by memorandum, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change (S.F. 30) acknowledging the change of name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documentary and supplemental agreement are filed.

[FR Doc.74-13634 Filed 6-13-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-46; Notice No. 74-10]

PART 391—QUALIFICATIONS OF DRIVERS
APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

Revision of Questions and Answers for Drivers Written Examination

The Director of the Bureau of Motor Carrier Safety is revising Appendix C to the Federal Motor Carrier Safety Regulations by replacing the current driver's written examination with a new form of examination. The new form of written examination consists of 66 multiple-choice questions, nine of which deal with transportation of hazardous materials by motor vehicle. The new form replaces the old list of 99 true-false questions.

Under § 391.35 of the regulations, the examination must be given to each driver before he is first employed to operate a commercial motor vehicle in interstate or foreign commerce. Exceptions are provided for in the case of a driver who is "grandfathered" under § 391.61 of the regulations and in the case of drivers of certain farm vehicles, as provided for in § 391.67. In addition, a written examination is not required in the case of a driver who has a valid certificate of examination that is less than three years old.

As is presently the case, the new examination will be given primarily as an educational device, and there is no mandatory passing grade. As the Director indicated in a notice of proposed rule making issued on January 24, 1973 (38

FR 3364), the Bureau has been attempting to develop a written examination which must be completed successfully with a specified passing grade as a prerequisite to a driver's qualification under the Federal Motor Carrier Safety Regulations. A contract was awarded, under which the contractor was required to supply the Bureau with an examination form that was "validated" under guidelines of the Equal Employment Opportunity Commission. The examination form now being instituted is the product of that contract. Regrettably, it has not been possible to secure the agreement of Federal agencies concerned with equal opportunity in employment to the use of this examination form or the other forms developed under the contract, as part of an examination requirement that would exclude from the driver force individuals who fail to pass the examination.

Because the form of examination developed under the contract has been validated and is demonstrably an improvement over the one now in use, the Director has decided to revise Appendix C in order to make use of it. Since the form of examination selected contains nine questions that deal with transportation of hazardous materials, the Bureau is requiring those questions to be given only in the case of drivers who will engage in that type of transportation.

In consideration of the foregoing, § 391.35 and Appendix C of the Federal Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49, CFR) are amended as set forth below.

Effective date. These amendments are effective on October 1, 1974. However, immediate compliance with these amendments, in lieu of the rules now found in § 391.35 and Appendix C, is authorized.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on June 6, 1974.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

I. § 391.35 is amended by revising paragraph (e) thereof to read as follows:
§ 391.35 Written examination.

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title need not answer questions