



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 2, 2003

MEMORANDUM

SUBJECT: Inadvertent Errors in Final NSR Equipment Replacement Rule

FROM Jeffrey R. Holmstead
Assistant Administrator for Air

Lisa K. Friedman
Associate General Counsel
Air & Radiation Law Office

TO The Administrator

A number of inadvertent errors were made in the process of preparing the signature package for the final NSR equipment replacement rule that you signed on August 27. All of the significant corrections are listed below, and the typographical and grammatical corrections are attached.

Page 26, first paragraph, first sentence, replace “cause an emissions increase” at the end of the sentence with “cause the unit to emit above its original design capacity”.

Page 49, 6th full sentence, after the word “support”, insert “the proposition that”

Page 70, last full sentence starting with “A chemical manufacturing...”, replace the words “control devices” with “process control or dual purpose air pollution control devices”.

Page 71, 1st paragraph, replace the 2nd sentence:

While we do not believe that these other definition proposal were necessarily inconsistent with our general definition of process unit, we had trouble including them in today’s preamble in the absence of responding to concerns and questions that our staff had over these new definitions.



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With the following sentence:

While we do not believe that these other proposed definitions were necessarily inconsistent with our general definition of process unit, we had concerns and questions with some of these proposed definitions.

Page 83 add the sentence “Today’s rule applies only to conduct that occurs after the rule’s effective date.” to the end of the full paragraph in Section 2. General Issues.

Page 95, 1st partial paragraph, last sentence, replace “with an appropriate safeguard like the basic design parameters” with “as long as the other safeguards in the rule are met”.

Page 98, bolded sentence (after the bullet), insert “, innovative” after the word “new

Page 98, 2nd sentence after the bullet, replace “adopt innovative solutions” with “replace existing components with functionally equivalent components”.

- Page 112, 2nd paragraph omit “{check if that is what the citation refers to}”, end of paragraph omit “{not sure what the document being cited is}”, and correct the reference to the Congressional conference report (two sentences and cite beginning with “The Conference Report to the bill...”). The two new sentences and cite should read, “In moving the adoption of those amendments, the sponsor (who was also the sponsor of the original 1977 Clean Air Act Amendments and who indicated that the technical amendments had been approved by all members of the original 1977 Amendments conference committee) stated in a summary and statement of intent that he placed in the Congressional Record that this was a deliberate choice. As that summary explained, Congress intended the amendment “implement[ed] the [1977 Clean Air Act Amendments] conference agreement to cover ‘modification’ as well as ‘construction’ by defining ‘construction’ in part C to conform to usage in other parts of the Act.” 123 Cong. Rec. 36331 (Nov.1, 1977).”

Page 119, 2nd paragraph 2nd sentence after the word Chevron insert “, *U.S.A. Inc NRDC*, 467 U.S. 837 (1984).”.

page 130, footnote 14, the word “compelling” should be “competing”

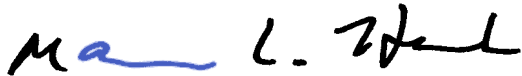
Page 153, remove reference to non-existent regulatory provisions by omitting new paragraph (i) in Section 51.165. Thus, in the first sentence of 2.b, replace “and paragraphs (h) and (i)” with “and paragraph (h).”

Page 161, remove reference to non-existent regulatory provisions by omitting new paragraph (z) in Section 51.166. Thus, in the first sentence of 3.b, replace “and paragraphs (y) and (z)” with “and paragraph (y).”

Page 169 remove reference to non-existent regulatory provisions by omitting new paragraph (dd) in Section 51.21. Thus, in the first sentence of 2.b, replace “and paragraphs (cc) and (dd)” with “and paragraph (cc).”

We recommend that you correct these inadvertent errors by signing and dating below.

Attachments



Marianne Lamont Horinko

OCT 9 2003

Date

Grammatical and Typographical Corrections

page 4, change words in titles to lower case after the first word:

- 1 Roman II , under B, replace “Surrounding”, with “surrounding”; letter B, replace “Exclusion” with “exclusion”; letter C, replace “Process Used to Develop This Rule” with “Process used to develop this rule”; letter D, replace “What We Proposed” with “What we proposed”
- 2 Roman III, under A, replace “Justification” with “justification” and “Today’s Final Action” with “today’s final action”; letter G, replace “Non-emitting Units as Part of the Process Unit” with “non-emitting units as part of the process unit”; letter I , number 1, replace “Assurance” with “assurance”; number 2, replace “Issues” with “issues”; letter K, replace “Other Options” with “other options”; number 1, replace “Maintenance, Repair, and Replacement” with “Maintenance, repair and replacement”.

page 5, change words in titles to lower case after the first word

- 3 first line, replace “Allowance” with “allowance”; number 2, replace “Capacity-Based Option” with “Capacity-based option”; number 3, replace “Age-Based Option” with “Age-based option”; Letter L, replace “List of Excluded Activities” with “list of excluded activities”; Letter M, replace “Exclusion for Energy Efficiency Projects” with “exclusion for energy efficiency projects”; Letter N, number 1, replace “Program” with “program”; Number 2, replace “Act” with “Act’s” and delete the “?” at the end of the sentence.

page 5, heading IV.F of outline should read “Regulatory Flexibility Analysis”; replace current text.

page 10, beginning the 3rd sentence of the “Issues surrounding the RMRR exclusion” section, replace the words “It has” with the words “We have”.

page 15, 1st sentence, delete the brackets at the beginning and end of the first full sentence of the page. The sentence, which begins “We also do not believe the outcomes ...”, should remain.

page 17, end of first paragraph under section C, delete “(61 FR 38250)”

page 22, 1st full paragraph, replace “EUSGUs” (in 3 places on the page) with the term “steam electric generating facilities”.

page 23, 2nd sentence of the 1st paragraph (beginning “We are not specifically. .”), replace “rules provide” with “rule provides”.

page 39, 1st sentence of the 1st paragraph, replace “allow” with “allows”

page 47, 1st full paragraph, 2nd sentence, delete the duplicate phrase “cost of pollution”.

page 49, 5th full sentence, replace “addressing” with “addresses”.

page 49, 5th full sentence and 7th full sentence, delete “Abt”, and change the “s” on the word “study” to lower case.

page 54, 1st full sentence starting with “This is consistent...”, delete the word “the” before the word “apply”.

page 62, remove the paragraph indent on the sentence beginning with “To help illustrate these concepts...”.

page 66, 1st paragraph, 4th sentence, omit “See 67 FR 80186”.

page 75, last sentence, replace “MRR” with “maintenance, repair and replacement”.

page 79, last paragraph, make lower case the phrase “Total Capital Investment”.

page 80, 2nd paragraph, make lower case the phrase “Hazardous Air Pollutant”.

page 82, delete extra space between paragraphs.

page 83, delete extra space between paragraphs ending in “(5 years)” and beginning with “Altogether”, and insert a paragraph indent before “Altogether”.

page 83, 2nd paragraph, the sentence beginning with “The CAA contains...”, insert a comma after the word “authority”.

page 84, in the 1st sentence of the “Quantitative Analysis” section, delete the comma after the word “exclusion”.

page 88, 1st line of the page, insert “a” after the word “that”, change the first “to” to “part of” and insert “is” after the word “burden”.

page 88, 3rd line of the page, replace “is” with “and that” and insert “this includes” after the word “least”.

page 88, 1st full paragraph, 4th sentence, delete the word “as” after the words “actions they can take”.

page 91, 1st full paragraph, 2nd sentence, insert “, thus,” after “have” and transpose “further supported” to read “supported further”.

page 115, end of full paragraph, last sentence starting with See H.R. Rep., delete “{add quotation if useful}” and insert after “32,918” the following “(Sept. 21, 1970)”

page 116, omit “{add quotation if useful}”; last sentence, last word, omit “or”.

page 117, 1st word, omit “components”.

page 117, 1st line of the page, replace “does” with “do”.

page 129, 2nd paragraph, 3rd sentence, omit “Cite”.

page 131, in the 4th sentence of the paragraph starting “Nothing in the appellate. .”, replace the word “exclude” with the word “excluded”.

page 135, last sentence of the top (partial) paragraph, insert a closed parenthesis after the word “today” and delete the comma.

page 142, first paragraph, last sentence, replace “effective” with “enforceable”.

page 144, Section F title, replace “Act” with “Analysis” and delete remainder of heading; corrected heading will read “Regulatory Flexibility Analysis.”

page 145, first paragraph, first sentence, replace “I certify that” with “EPA has concluded that”.

page 145, first paragraph, third sentence, replace “certify” with “conclude”.