

merchants (FCMs) are subject. The revision to this rule, known as the “residual-interest requirement”, clarified that one customer’s funds could not be used by an FCM to cover another customer’s margin deficit, but phased in a deadline for stricter compliance with this clarified standard. The change was designed to reduce risks to those customer funds placed in the care of FCMs, and were among a host of regulatory enhancements adopted by the Commission after two failures of large, registered FCMs in 2011 and 2012—MF Global and Peregrine Financial.

I supported those regulatory enhancements—including the revision to rule 1.22—because of the importance of the matter addressed in each: The safekeeping of customer money, which is the most sacrosanct duty that any financial institution owes to its customers. Today, the overall framework of regulatory requirements that registered FCMs must comply with is substantially different today than in 2011. For example, FCMs are no longer permitted to use customer funds for in-house lending through repurchase agreements; they are subject to restrictions on the types of securities that customer funds can be invested in; they must pass on customer initial margin on a gross basis to the clearinghouse; through LSOC (legal segregation with operational comingling) they must legally segregate cleared swaps customer collateral on an individual basis; and they were required to significantly enhance their supervision of and accounting for customer funds. As a result, the risks posed to customers funds stewarded by FCMs have been significantly reduced.

The recent customer protection rulemakings all were well intentioned, but indisputably carried some additional costs and burdens for both FCMs and their customers. The analysis was made at the time, however, that those burdens and costs were outweighed by the benefits to FCM customers, especially against the very recent backdrop of hundreds of millions of dollars of customer funds having been stolen, or tied up in a bankruptcy proceeding, for at least a period of time.

The release before us essentially re-weighs the cost or burden on one hand, and the benefit on the other, and comes up with a slightly different, but well supported, conclusion regarding the residual-interest requirement. The costs or burdens revisited in the release: (1) Uncertainty to the marketplace invited by a time-of-settlement compliance deadline that was subject to future review by the Commission staff, which suggested a change could come to the requirements, but might not; and (2) the anticipated costs to FCMs of having to finance the funding to top up their customers’ margin deficits, or the cost to customers of pre-funding their margin accounts with FCMs. And the benefit at issue in the release: The value to an FCM customer of ensuring that its funds will never be borrowed by an FCM to cover another customer’s deficit.

The inherent risk to this common practice by FCMs is that should an FCM become insolvent after it posts required margin to the clearinghouse, but before it collects margin

deficits from all of its customers, the customers whose funds were used to cover a deficit might not see those funds again, or perhaps only after a protracted bankruptcy proceeding. This practice also is not technically compliant with how rule 1.22 is written, which prohibits FCMs from “using, or permitting the use of, the futures customer funds of one futures customer to purchase, margin, or settle the trades, contracts, or commodity options of, or to secure or extend the credit of, any person other than such futures customer.”

This final rule keeps the residual-interest deadline at the close of business on the day following the margin-deficit calculation and eliminates the future deadline of the time of settlement on the day following the margin-deficit calculation. The Commission staff is still required to perform a feasibility study to determine whether future, more aggressive residual-interest deadlines would be desirable.

The comment file overwhelmingly supported the change in today’s final rule—in other words, commenters took the view that the potential costs associated with the 2013 residual-interest rule appear to outweigh the risk that some of their funds could be lost in the event their FCM becomes insolvent after the time of settlement, but before an FCM collects margin deficits. Indeed, the risk that an FCM becomes insolvent during this precise timeframe without some prior notice to its customers of financial stress at the FCM is very low. Notably, many comments supporting this final rule were filed by FCM customers, the constituency rule 1.22 is designed to protect, and who appreciate the aforementioned risk. The Commission must respect the comment process and the FCM-customer viewpoint that today’s rule better balances the cost and benefits of rule 1.22.

Another relevant factor that supports the change to rule 1.22 is the risk of concentration within the FCM community as a whole, and what that means for the costs to customers of trading in derivatives and its related impacts on liquidity in those markets. The number of registered FCMs has decreased in recent years, which may make it more difficult for customers to manage their risk by limiting their ability to access the markets, or by making it more difficult for them to allocate funds between multiple FCMs to minimize concentration risk.

The results of the public comment process, when considered in the context of the overall stronger regulatory framework for FCMs and the concentration in the FCM community described above, give me the comfort needed to support the changes to 1.22 contained in today’s release.

On the other hand, without the five-year phase-in period, we might see a reluctance by the industry to move as swiftly to streamline margin-collection practices and to take advantage of any technological solutions that may be developed. Some recent technology advances hold the promise to reduce the very sorts of risks addressed by rule 1.22 by facilitating real-time margin collection and settlement. To be sure, those advances would have been more seriously and expeditiously tested and—if they demonstrate merit—

embraced without the change to rule 1.22 we are releasing today. In other words, just as in 2013 when the existing rule was finalized, I continue to believe that the most costly solutions for complying with rule 1.22 that were anticipated by many commenters should not be the ones ultimately embraced by the marketplace. Moreover, given regulatory requirements imposed by other regulators, today members of the clearing ecosystem are exploring a variety of solutions to new compliance and capital burdens that also would ease and enable stricter compliance with rule 1.22, thus minimizing further the likelihood that pre-funding customer margin accounts with FCMs will become the preferred solution to compliance.

Finally, I note that a study and roundtable to review these advancements, and how they might lower risks and related costs, still are mandated by law, and I ask the Chairman to direct staff to move swiftly to comply with these regulatory requirements so that the Commission may act appropriately when and if it needs to. I look forward to continuing to collaborate with staff and market participants as we work towards enhancing the safety and efficiency of our markets.

Appendix 4—Statement of Commissioner J. Christopher Giancarlo

I support the Commission’s action to change the residual interest deadline, if necessary or appropriate, only upon a Commission rulemaking following a public comment period. This approach will allow the Commission to better understand the market impacts and operational challenges of moving the residual interest deadline. This approach is especially important given the likely negative impacts on smaller futures commission merchants who provide our farmers, ranchers and rural producers with critical risk management services.

I call on the Commission to take the same deliberative approach to the *de minimis* exception to the swap dealer definition so that the *de minimis* level does not automatically adjust from \$8 billion to \$3 billion, absent a rulemaking with proper notice and comment. Like today’s proposal, the Commission should only adjust the *de minimis* threshold if necessary or appropriate after it has considered the data and weighed public comments.

[FR Doc. 2015–06548 Filed 3–23–15; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2009–0234; FRL–9923–98–OAR]

RIN 2060–AS39

National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 19, 2014, the Environmental Protection Agency (EPA) proposed amending certain reporting requirements in the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Steam Generating Units (Mercury and Air Toxics Standards (MATS)) rule. This final rule amends the reporting requirements in the MATS rule by temporarily requiring owners or operators of affected sources to submit certain required emissions and compliance reports to the EPA through the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool, and the rule temporarily suspends the requirement for owners or operators of affected sources to submit certain reports using the Compliance and Emissions Data Reporting Interface (CEDRI).

DATES: This final rule is effective on March 24, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA-HQ-OAR-2009-0234. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the Internet and will be publically available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Mr. Barrett Parker, Sector Policies and Programs Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-5635; fax number: (919) 541-3207; and email address: *parker.barrett@epa.gov*.

SUPPLEMENTARY INFORMATION: *Organization of This Document.* The information in this preamble is organized as follows:

- I. Why is the EPA issuing a final rule?
- II. Does this final rule apply to me?
- III. What are the amendments made by this final rule?
- IV. Public Comments and Responses
 - A. Support for the Proposed Approach
 - B. Opposition to the Proposed Approach
 - C. Other Comments
 - V. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive

- Order 13563: Improving Regulation and Regulatory Review
- B. Paperwork Reduction Act (PRA)
- C. Regulatory Flexibility Act (RFA)
- D. Unfunded Mandates Reform Act (UMRA)
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
- G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act (CRA)

I. Why is the EPA issuing a final rule?

The EPA is finalizing its proposed rule with revisions, and this final rule replaces the existing requirements that became effective on January 5, 2015, pursuant to a direct final rule published on November 19, 2014. See 79 FR 68840 and 79 FR 68795. We also respond to comments in this final rule. See 79 FR 68796.

II. Does this final rule apply to me?

Categories and entities potentially regulated by this final rule include:

Category	NAICS Code ¹	Examples of Regulated Entities
Industry	221112	Fossil fuel-fired electric steam generating units.
Federal government ²	221122	Fossil fuel-fired electric steam generating units owned by the federal government.
State/local/tribal government ²	221122	Fossil fuel-fired electric steam generating units owned by states, tribes or municipalities.
	921150	Fossil fuel-fired electric utility steam generating units in Indian country.

¹ North American Industry Classification System.

² Federal, state or local government-owned and operated establishments are classified according to the activity in which they are engaged.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this final rule. To determine whether your facility would be regulated by this final rule, you should examine the applicability criteria in 40 CFR 63.9981. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative as listed in 40 CFR 63.13.

III. What are the amendments made by this final rule?

This final rule amends the reporting requirements in 40 CFR 63.10031(f) of the MATS rule at 40 CFR part 63, subpart UUUUU. The final MATS rule required affected sources to submit certain MATS emissions and compliance information electronically, using either the CEDRI or the ECMPS Client Tool. The EPA developed these two systems prior to the MATS rule for the electronic submittal of emissions data from many source categories. CEDRI is currently used by owners or operators of sources regulated under 40

CFR part 60 and 40 CFR part 63 to submit performance test reports and other air emissions reports. ECMPS is used to report emissions data under the Clean Air Act title IV Acid Rain Program and other programs that are required to continuously monitor and report emissions according to 40 CFR part 75. These two systems have enhanced the way source owners and operators report emissions data to the EPA by providing a streamlined and standardized electronic approach.

Subsequent to publication of the MATS rule, stakeholders commented that we could improve the reporting efficiency of the MATS rule by requiring

all data to be reported to one system instead of two. Stakeholders also commented that one system could benefit the EPA and the public in the review of data submitted by setting one consistent format for all data reported through MATS. Further, because the vast majority of sources covered under the MATS rule have been using the ECMPS Client Tool since 2009, the stakeholders have encouraged the EPA to consider consolidating the electronic reporting under ECMPS.

We agree that requiring reporting to one system will increase the efficiency of reporting and facilitate review of reported data. For these reasons, the agency is beginning the process of consolidating the submission of electronic reports required under the MATS rule to one system—the ECMPS Client Tool. This final rule is the first step in the process. The next step is for the EPA to create a detailed set of reporting instructions and design, develop, beta-test and implement the necessary modifications to the ECMPS Client Tool; however, the EPA cannot complete the second step prior to April 16, 2015, the compliance deadline for the MATS rule. Therefore, we are implementing a phased approach to completing the change in the electronic reporting requirements.

This final rulemaking completes the first step in the agency's plan by removing the requirement to submit MATS compliance reports to CEDRI and requiring source owners or operators to use the ECMPS Client Tool to submit Portable Document Format (PDF) versions of the reports that the current MATS rule requires to be submitted using CEDRI. As stated above, this interim step is necessary because the ECMPS Client Tool is not currently programmed to accept the reports that the MATS rule required sources to submit to CEDRI. The specific reports that must be submitted in PDF format include: Quarterly and annual performance stack test reports; 30- (or 90-) boiler operating day mercury (Hg) Low Emitting EGU (Electric Generating Unit) (LEE) test reports; Relative Accuracy Test Audits (RATA) reports for sulfur dioxide, hydrogen chloride, hydrogen fluoride, and Hg monitors; Relative Calibration Audit (RCA) and Relative Response Audit (RRA) reports for particulate matter (PM) continuous emissions monitoring system (CEMS); 30-boiler operating day rolling average reports for PM CEMS, PM continuous parameter monitoring system (CPMS), and approved hazardous air pollutants (HAP) metals CEMS; and semiannual compliance reports. Reports for the performance stack tests, Hg LEE tests,

RATAs, RRAs and RCAs typically include a description of the source, the test date(s), a list of attendees, a test protocol, a summary of results, raw field data, and example calculations, and, depending on the method(s) used, may also include the results of sample analyses, quality-assurance information (e.g., leak, bias and drift checks), and instrument calibrations and calibration gas certificates. This final rule does not alter the due dates for any report submittals contained in the final MATS rule. See 40 CFR part 63, subpart UUUUU.

The EPA recognized that submitting electronic PDF reports is not as desirable as reporting the data in extensible markup language (XML) format, because the information in a PDF report cannot easily be extracted and put in a database format. In view of this, we plan to promulgate an additional data reporting revision to the MATS rule in the second part of our phased approach. In this second part, we plan to develop another rulemaking that requires affected source owners or operators to submit the data elements required in the rule in a structured XML format using the ECMPS Client Tool, which is already in use. The second part of our phased approach will complete the process of conversion of the electronic reporting of data using the ECMPS Client Tool, and the MATS rule will be revised to specify all of the required XML data elements for each type of report. We also plan to develop a detailed set of reporting instructions for each report and to modify ECMPS accordingly, in order to be able to receive and process the data submitted.

In the event we are unable to finalize the rulemaking for the second part of our phased approach for electronic reporting conversion by April 16, 2017, the reporting requirements established in this final rule will revert automatically to the original requirements set forth in the final MATS rulemaking published on February 16, 2012 (77 FR 9303). This trigger is necessary to ensure that the data submitted in the future is consistent with the database accessibility that is associated with information reported in structured XML formats even if the second rulemaking cannot be finalized. Accordingly, this rulemaking includes a date of April 16, 2017, to complete the second part of our phased approach for electronic reporting conversion to the ECMPS Client Tool. The EPA intends to revoke this requirement once the final conversion to the ECMPS Client Tool is complete.

IV. Public Comments and Responses

The direct final and parallel proposed rules received comments from nine persons—two members of the public, one state government representative, four EGU owners or operators and two EGU industry representatives.

A. Support for the Proposed Approach

Most commenters expressed support for the planned two phased approach for merging the electronic reporting systems, as well as the revisions to allow temporary submission of MATS rule emissions and compliance reports through the ECMPS Client Tool and suspension of mandatory submission of certain reports using the CEDRI. Commenters recognized the benefits afforded by the proposed approach, noting that through the use of the transition period, the agency will be able to obtain the necessary information to assure compliance while simultaneously developing final reporting formats and infrastructure for XML reporting. Commenters agree that consolidating all reporting requirements through one system will streamline and simplify requirements, making reporting more efficient and user-friendly, improve the quality of reported emissions data and enable the agency to track compliance effectively. We reviewed and considered these comments and are finalizing the proposed rule, with minor revisions, to implement the first part of our phased approach to merge all MATS rule electronic reporting into the ECMPS Client Tool.

B. Opposition to the Proposed Approach

One commenter, a state government representative, opposed the provisions of the proposed rule on two grounds: (1) The commenter alleges the rule did not contain a requirement for EGU owners or operators to submit full stack test reports; and (2) the commenter indicates that it is improper to include a temporary suspension of the requirement to use the electronic reporting tool (ERT) in preparing and submitting stack test reports electronically.

With regard to the first item, the EPA maintains that the proposed rule did include a requirement to submit complete performance test reports during the interim period. In the proposed rule, the EPA stated that stack test reports were required to be submitted during the transition period: “. . . (t)he specific reports that must be submitted in PDF format include: Quarterly and annual performance stack test reports . . .” and “. . . (r)eports for

the performance stack tests . . . typically include a description of the source, the test date(s), a list of attendees, a test protocol, a summary of results, raw field data, and example calculations, and, depending on the method(s) used, may also include the results of sample analyses, quality-assurance information (e.g., bias and drift checks), instrument calibrations, and calibration gas certificates . . .” (79 FR 68797). Other commenters agreed with the EPA’s view of the requirements while some believed that the requirement to submit the test reports was only triggered upon request by the permitting authority. To address any ambiguity on this issue, we are revising the proposed rule and expressly requiring submission of emissions test reports in the final rule.

With regard to the second item, we agree with the state representative who commented that “. . . (s)ubmittal of stack test reports using ERT will allow (regulatory agencies) to independently verify emissions calculations without having to re-enter data into separate spreadsheets for re-calculation. ERT does the calculations and can include all raw field and laboratory data as attachments” These are among the reasons we mandated use of the ERT in both the Information Collection Request and the MATS rule. Moreover, we agree with the state representative that the “. . . ERT can generate a full PDF report that could be submitted to ECMPS with minimal effort” Indeed, we maintain that using the “one-touch” ERT feature to create PDF versions of ERT-developed reports is the easiest way to meet the interim electronic reporting requirements. However, at the present time, the ERT does not support every MATS rule-related test method, quality assurance approach or performance specification (PS), e.g., RCA or RRA for PM CEMS and PS-11 for PM CEMS. Moreover, despite the efficiency and ease of using the “one-touch” capability of the ERT for the majority of MATS rule related test methods, quality assurance approaches or PS, the ERT is not the sole means of developing PDF versions of required reports. We considered requiring EGU owners or operators to use the ERT’s PDF creation feature for those reports that can be developed through the current version of the ERT, but decided against it for concerns that mandated use of two separate systems during the interim period could be inefficient. While we believe many EGU owners or operators will choose to use the ERT’s cost-effective PDF creation approach

when possible, the rule does not require its use.

C. Other Comments

Even though comments on the proposed rule were to be limited to issues directly associated with the electronic reporting changes covered in 40 CFR 63.10031, commenters provided other comments. One industry representative sought assurance that under the interim rule, EGU owners or operators could use self-generated forms that included relevant information per the aforementioned preamble language (79 CFR 68797), going on to assert that the only formatting specification is that the reports be submitted in PDF format. The industry representative expressed support for the proposed rule if those assertions were correct. Commenters are correct, provided the necessary information is included in a reasonable manner to allow review in the electronic PDF versions of the reports.

Industry commenters also opposed the proposed rule to the extent it required EGU owners or operators to use the ERT or CEDRI forms to create the reports that will be submitted in PDF format, believing that the rule revision would not provide any relief if their understanding were correct. While we disagree with the commenters’ views that using the ERT or CEDRI to create PDF versions of reports or forms would not provide relief, the rule neither requires nor prohibits during the interim period preparation or submission of PDF reports or forms using the ERT or CEDRI. We also note that the current versions of the ERT or CEDRI do support notice of compliance (NOC) status reporting and the majority of MATS rule-related test methods, quality assurance approaches and PS, including all associated requisite calculations and validations. For this reason, the commenters’ concerns are misplaced.

Industry commenters also commented that some in the regulated community might be confused over the reporting requirements and misinterpret the provisions such that only PDF versions of ERT or CEDRI generated reports or forms would be allowed for submission during the interim period. Both commenters suggested we provide guidance, or, if necessary, additional rule language after the first sentence of 40 CFR 63.10031(f)(6), to clarify the role of the ERT and CEDRI for data submittal during the interim reporting phase. We considered these comments and decided that such guidance or rule language is unnecessary, as the ERT is not required to be used during the interim period. With regard to reporting requirements

during the transition period, as mentioned earlier, the use of the CEDRI to submit reports to our WebFIRE database will be suspended, the information that would have been reported through the CEDRI must be submitted to the ECMPS in PDF format and the deadline for submitting reports remains unchanged. We will make the necessary adjustments to the ECMPS to enable the PDF reports to be submitted. Note that submission of a PDF version of a test report during this interim period is sufficient, provided that the test report contains sufficient information to assess compliance and to determine whether the testing has been done properly.

One commenter expressed concern with using the ERT and CEDRI in the interim period because, in his view, those platforms are not capable of accepting certain MATS reports, such as NOC status reports and 30-boiler operating day averages from PM CEMS. Moreover, the commenter believes using the ERT would be inefficient because, in his view, it was not designed to handle MATS rule data, such as those from PS-11, RCAs and RRAs. Finally, the commenter believes the usefulness of ERT collected data is limited because, in his view, the ERT neither performs the requisite calculations for quality assurance tests nor validates test results in accordance with method acceptance criteria. As stated above, the rule neither requires nor prohibits during the interim period preparation or submission of PDF reports or forms using the ERT or CEDRI. We also note that the current versions of the ERT or CEDRI do support NOC status reporting and the majority of MATS rule related test methods, quality assurance approaches and PS, including all associated requisite calculations and validations. While not a part of this rulemaking, we soon expect the ERT will be able to handle all of the remaining MATS rule related test methods, quality assurance approaches and PS, which will be important if the agency does not complete the revisions to the ECMPS. In addition, we expect the ECMPS Client Tool to be revised to accept all MATS rule related electronic reporting during the second part of our phased approach such that the ECMPS will be the sole means for providing MATS reports electronically.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0567. The agency believes this action does not impose an information collection burden because it does not change the information collection requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This amendment does not create any new requirements or burdens, and no costs are associated with this amendment. See 79 FR 68795 at 68798 (November 19, 2014).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. The final amendments impose no requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action does not affect the level of protection provided to human health or the environment. The final amendments are either clarifications or alternate, temporary reporting instructions which will neither increase nor decrease environmental protection.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 9, 2015.

Gina McCarthy,
Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code

of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart UUUUU-National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Steam Generating Units

■ 2. Section 63.10031 is amended by:
■ a. Revising the first sentence in each of the following paragraphs: (f) introductory text, (f)(1), (2), and (4); and
■ b. Revising paragraphs (f)(5) and (6).

The revisions read as follows:

§ 63.10031 What reports must I submit and when?

* * * * *

(f) On or after April 16, 2017, within 60 days after the date of completing each performance test, you must submit the performance test reports required by this subpart to EPA’s WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA’s Central Data Exchange (CDX) (www.epa.gov/cdx).

* * *
(1) On or after April 16, 2017, within 60 days after the date of completing each CEMS (SO₂, PM, HCl, HF, and Hg) performance evaluation test, as defined in § 63.2 and required by this subpart, you must submit the relative accuracy test audit (RATA) data (or, for PM CEMS, RCA and RRA data) required by this subpart to EPA’s WebFIRE database by using CEDRI that is accessed through EPA’s CDX (www.epa.gov/cdx).

* * *
(2) On or after April 16, 2017, for a PM CEMS, PM CPMS, or approved alternative monitoring using a HAP metals CEMS, within 60 days after the reporting periods ending on March 31st, June 30th, September 30th, and December 31st, you must submit quarterly reports to EPA’s WebFIRE database by using the CEDRI that is accessed through EPA’s CDX (www.epa.gov/cdx).

* * * * *

(4) On or after April 16, 2017, submit the compliance reports required under paragraphs (c) and (d) of this section and the notification of compliance status required under § 63.10030(e) to EPA’s WebFIRE database by using the CEDRI that is accessed through EPA’s CDX (www.epa.gov/cdx).

(5) All reports required by this subpart not subject to the requirements

in paragraphs (f) introductory text and (f)(1) through (4) of this section must be sent to the Administrator at the appropriate address listed in § 63.13. If acceptable to both the Administrator and the owner or operator of an EGU, these reports may be submitted on electronic media. The Administrator retains the right to require submittal of reports subject to paragraphs (f) introductory text and (f)(1) through (4) of this section in paper format.

(6) Prior to April 16, 2017, all reports subject to electronic submittal in paragraphs (f) introductory text, (f)(1), (2), and (4) shall be submitted to the EPA at the frequency specified in those paragraphs in electronic portable document format (PDF) using the ECMPs Client Tool. Each PDF version of a submitted report must include sufficient information to assess compliance and to demonstrate that the testing was done properly. The following data elements must be entered into the ECMPs Client Tool at the time of submission of each PDF file:

(i) The facility name, physical address, mailing address (if different from the physical address), and county;

(ii) The ORIS code (or equivalent ID number assigned by EPA's Clean Air Markets Division (CAMD)) and the Facility Registry System (FRS) ID;

(iii) The EGU (or EGUs) to which the report applies. Report the EGU IDs as they appear in the CAMD Business System;

(iv) If any of the EGUs in paragraph (f)(6)(iii) of this section share a common stack, indicate which EGUs share the stack. If emissions data are monitored and reported at the common stack according to part 75 of this chapter, report the ID number of the common stack as it is represented in the electronic monitoring plan required under § 75.53 of this chapter;

(v) If any of the EGUs described in paragraph (f)(6)(iii) of this section are in an averaging plan under § 63.10009, indicate which EGUs are in the plan and whether it is a 30- or 90-day averaging plan;

(vi) The identification of each emission point to which the report applies. An "emission point" is a point at which source effluent is released to the atmosphere, and is either a dedicated stack that serves one of the EGUs identified in paragraph (f)(6)(iii) of this section or a common stack that serves two or more of those EGUs. To identify an emission point, associate it with the EGU or stack ID in the CAMD Business system or the electronic monitoring plan (e.g., "Unit 2 stack," "common stack CS001," or "multiple stack MS001");

(vii) The rule citation (e.g., § 63.10031(f)(1), § 63.10031(f)(2), etc.) for which the report is showing compliance;

(viii) The pollutant(s) being addressed in the report;

(ix) The reporting period being covered by the report (if applicable);

(x) The relevant test method that was performed for a performance test (if applicable);

(xi) The date the performance test was conducted (if applicable); and

(xii) The responsible official's name, title, and phone number.

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[FR Doc. 2015-06152 Filed 3-23-15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA-HQ-OPPT-2014-0702; FRL-9924-09]

RIN 2070-AB27

Revocation of Significant New Uses of Metal Salts of Complex Inorganic Oxyacids

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking the significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for two chemical substances that were identified generically as metal salts of complex inorganic oxyacids, which were the subject of premanufacture notices (PMNs) P-89-576 and P-89-577. EPA issued a SNUR based on a TSCA section 5(e) consent order designating certain activities as significant new uses. EPA has received test data for the chemical substances and is revoking the SNUR.

DATES: This final rule is effective May 26, 2015.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2014-0702, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT

Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Jim Alwood, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 202 564-8974; email address: alwood.jim@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import), process, or use the chemical substances contained in this rule. Potentially affected entities may include, but are not limited to:

- Manufacturers or processors of the chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to a SNUR must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. Importers