

broadly interpreted and will mean different things to different people; it will not benefit EPA in compliance reviews because operating logs do not contain information relevant to a noncompliance event, and they may not reflect the actual cause of the event; and it is burdensome. As an example of the potential burden, one commenter noted that, for a source monitoring 50,000 components monthly for 6 months, a deviation from the equipment leak work practice standard would require a submittal of 4,500 pages of operating logs (based on 300,000 component readings at 66 lines per page).

*Response:* The operating log, which is a record required by § 63.2525(c) of the final rule, is simply a schedule or list of the operating scenarios that have been run. We clarified this requirement in the final rule by stating it is to be "updated each time a different operating scenario is put into operation." The reporting requirement in § 63.2520(e)(5)(iii)(K) of the final rule has also been written to clarify that the operating log is only required for days during which deviations occurred. Furthermore, since deviations of the work practice standard for equipment leaks are unlikely to be associated with a single operating day, the final rule specifies that logs do not have to be submitted for such deviations.

*Comment:* Two commenters recommended deleting the precompliance report. One of the commenters noted that a precompliance report is not required by the HON. According to the second commenter, the precompliance report duplicates the review and approval process of title V and the content of the NOCS report and greatly reduces available compliance time. The commenter also argued that the precompliance report is unworkable because it requires data that can only be obtained from the performance test and from operating experience.

*Response:* We contend that the precompliance report is a valuable tool for the regulatory agency responsible for making compliance determinations for the affected source. Its purpose differs significantly from the compliance plan that is part of the title V requirements. It provides an enforcement official or inspector with some initial background information about the process being controlled, the types of emissions associated with the process, corresponding control equipment, and the monitoring parameters that have been or will be correlated to the process conditions.

A precompliance report is not required for all facilities. The main purpose of the precompliance report is

that it is the mechanism by which an affected source requests approval to use alternative monitoring parameters, alternative techniques allowed in the final rule (e.g., pollution prevention), and calculations or other compliance procedures that differ from those prescribed in the final rule. In return for this flexibility, it is important that alternative procedures be approved before the compliance date to ensure that there is no noncompliance resulting from selection of an unacceptable approach. Furthermore, many of the alternative techniques in the final rule are more complicated than standard requirements like those in the HON. Therefore, we have retained the precompliance report in the final rule.

*Comment:* Two commenters claimed that much of the information required to be submitted in the NOCS report is already required by the referenced subparts or the General Provisions, and the additional information that must be submitted under the proposed rule is excessive.

*Response:* In general, the final rule references the notification requirements in the applicable subparts (i.e., 40 CFR part 63, subparts G, SS, and GGG) and specifies only the necessary exceptions and additional requirements. However, the overall requirements are the same as the proposal. We generally disagree with the commenter regarding the request to delete requirements beyond those in the referenced subparts. For example, requirements to identify operating scenarios are applicable to continuous operations. Because the operating scenario need only be as detailed as necessary to demonstrate compliance with the final rule, the operating scenario for a continuous operation may not require as much information as one for batch operations. If, for example, a continuous operation has only continuous process vents and storage tanks, no calculation of uncontrolled or controlled emissions is necessary to satisfy the requirement of § 63.2525(b)(7) of the final rule; instead, calculations and engineering analyses consist of TRE calculations for the continuous vents. We note that for every element of the operating scenario described in § 63.2525(b), information is required that is necessary to document how the source is complying with 40 CFR part 63, subpart FFFF. However, we have also made some changes and clarifications to the NOCS requirements. For example, for operating limits, only the resulting values are to be reported, and the procedure used to establish them is supporting documentation that is maintained as a record. For applicability, only the results of

applicability determinations have to be submitted. Supporting documentation is maintained as a record under § 63.2525(a)(1).

*Comment:* Several commenters requested the following changes in the compliance reporting schedule and due dates: (1) Clarify when the first report is due because the proposed language appears to be internally inconsistent, (2) change the beginning date of the first reporting period to the date the notification of compliance status is due rather than the compliance date, and (3) allow 60 days rather than 30 days to prepare the report after the end of the reporting period.

*Response:* The final rule clarifies our intent that the first reporting period is to span a period between 6 and 12 months. To be consistent with other rules, we also decided to provide 60 days to prepare the compliance reports. Although we have decided to make the notification of compliance status due 150 days after the compliance date rather than by the compliance date, the reporting period for the first compliance report is unchanged in the final rule because sources must be operating monitoring equipment and conducting other ongoing compliance activities beginning on the compliance date.

*Comment:* Two commenters were concerned that some of the data that must be submitted in the precompliance report are CBI and should not be required. Commenters also are concerned that some of the requested information for operating scenarios is CBI.

*Response:* We recognize that certain information needed to complete the precompliance report and operating scenarios in the NOCS report may be confidential. Precompliance and NOCS reports are considered to be submitted to the Administrator under CAA section 114 even if they are submitted to a State or local agency acting on the Administrator's behalf (40 CFR 2.301(b)(2)) and, as such, are entitled to protection under section 114(c) of the CAA or 40 CFR 2.201–2.311, provided they meet the criteria set forth in the statute and regulations. If you claim that any portion of these reports is entitled to such protection, the material that is claimed as confidential must be clearly designated in the submission.

*Comment:* Several commenters objected to the notification of process change requirements in § 63.2515(f) of the proposed rule. One commenter stated that the requirement to report any process change, change in operating scenarios, or change in information submitted in the NOCS report would be impossibly burdensome for complex