

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2007-0011; FL-]

RIN 2060-AN72

**Standards of Performance for Petroleum Refineries for Which
Construction, Reconstruction, or Modification Commenced After
May 14, 2007**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; stay.

SUMMARY: EPA is proposing to extend the stay of certain provisions of the new standards of performance for petroleum refineries. In the "Rules and Regulations" section of this **Federal Register**, we are extending the stay as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0011, by mail to Air and Radiation Docket (2822T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Please include a total of two copies. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of

the direct final rule located in the rules section of this **Federal Register**.

We request that you also send a separate copy of each comment to the contact persons listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Lucas, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143-01), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541-0884; fax number: (919) 541-0246; e-mail address: lucas.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing this proposed rule?

This document proposes to take action on the new standards of performance for petroleum refineries at 40 CFR part 60, subpart Ja. We have published a direct final rule extending the stay of the provisions under reconsideration in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect.

We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. Does this action apply to me?

Categories and entities potentially regulated by this proposed rule include:

Category	NAICS ¹ Code	Examples of Regulated Entities
Industry...	32411	Petroleum refiners.
Federal government...		Not affected.
State/local/tribal government...		Not affected.

¹ North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the standards for petroleum refineries. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 60.100a. If you have any questions regarding the applicability of the new source performance standards to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

III. Statutory and Executive Orders

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the "Rules and Regulations" section of this **Federal Register**.

List of Subjects in 40 CFR Part 60

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

Dated:

Stephen L. Johnson,
Administrator.

For the reasons cited in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is proposed to be amended as follows:

PART 60--[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

§60.100a [AMENDED]

2. In §60.100a, paragraph (c) is stayed from February 24, 2009, until further notice.

§60.101a [AMENDED]

3. The definition of "flare" in §60.101a is stayed from February 24, 2009, until further notice.

§60.102a [AMENDED]

4. In §60.102a, paragraph (g) is stayed from February 24, 2009, until further notice.

§60.107a [AMENDED]

5. In §60.107a, paragraphs (d) and (e) are stayed from February 24, 2009, until further notice.