B. Dry Deposition Algorithm

No comments were received about the proposed algorithm's performance in ISCST. Regarding ISCLT, however, concern was expressed over the algorithm's 50-fold increase in deposition estimates for small particles from near-surface releases compared with the current algorithm. As explained in the response-to- comments document, EPA investigated the commenter's perception and explained the apparent disparity in performance is explicable in terms of a series of independent effects related to the improvements made in the new algorithm. EPA will adopt the algorithm, as proposed.

In the proposal, EPA solicited public comment on whether it would be appropriate to require that the new dry deposition algorithm be used for all ISC analyses involving particulate matter in any of the programs for which Guideline usage is required under 40 CFR parts 51 and 52. No comments were received. EPA will continue to allow optional use of the algorithm on a case-by-case basis, depending on the application and on the availability of source specific, fractionated emissions data.

2. Enhancements to On-Site Stability Classification

Much of the expressed public concern was based on a perception of substantial added costs the SRDT method would add to meteorological monitoring programs. As stated in the response-tocomments document, investigation of the cost factors associated with instrumenting a meteorological tower to implement the SRDT method (i.e., ΔT and insolation) showed that such would add approximately \$2500-\$3500. Relative to the cost of all the monitoring equipment, including data acquisition systems, tower, etc., the added instrumentation costs for implementing the SRDT method are approximately 25 to 45 percent of the total costs (depending on tower height). Thus, as was pointed out in public comment, there is a capital cost associated with implementation of the SRDT method, but EPA believes that cost is not excessive, particularly in relation to the total monitoring program.

While no analyses were offered to directly refute the viability of the SRDT method on a technical basis, there was general concern over the SRDT method's proposed replacement of the currently acceptable turbulence based methods (i.e., σ_{ϕ} or σ_{θ}), particularly given that the evaluation report for the SRDT method did not demonstrate its superiority over the latter methods.

Therefore, in an effort to balance an array of concerns, consistent with the intent and motivation for the proposal, EPA will adopt the SRDT method but revise the current hierarchical system of stability classification in Guideline section 9.3.3.2. Specifically, the Turner method using site-specific wind speed and representative cloud cover and ceiling height will be preferred for estimating P-G stability categories. This preference is founded in the fundamental radiation basis for P-G categories. In the absence of requisite data to implement the Turner method, however, the SRDT method or one of the turbulence based methods may be used. Regarding the collection of requisite representative cloud cover data for implementing the preferred Turner method, it should be noted that the operative word is representative. The previous distinction made for "off-site", associated with the last choice in the current hierarchy, is semantic. "Onsite" is a preferable ideal; what is important is representativeness. As aptly pointed out in public comments, when representative off-site" cloud cover data are judiciously used, there can be good P-G category correspondence with what would have been obtained using strictly on-site observations. The emphasis on representativeness, inherent in EPA's final action, should obviate the historical contention over this semantic issue. As stated in the proposal, the onsite guidance⁴ will be revised by addendum to reflect the new stability classification system, including the SRDT methodology. The document will also be revised to add some additional guidance on considerations of representativeness with respect to the Turner method.

3. Screening Approaches for Assessing Annual NO₂ Impact

Public comments were generally supportive of the proposed NO₂ screening approach: the ARM. Some, however, recommended the retention of OLM that ARM was proposed to replace. As stated in EPA's response, this recommendation would imply that OLM, applied on an hourly basis as a tertiary screening method, would yield a better estimation of annual NO₂ impact. EPA believes, however that application of OLM in this manner is affected by several technical and logistical problems. Because the oversimplified OLM approach does not necessarily result in more accurate estimates, adding OLM as a third tier screening method to be implemented on a hourly basis for screening is unnecessary. Therefore, EPA will adopt the Ambient Ratio Method, as proposed.

4. Modeling Techniques for Toxic Air Pollutants

There was support for EPA's proposal to adopt two new models for treating dense gas releases. Therefore, as proposed, EPA will add these models, SLAB and HGSYSTEM Version 3.0, to the Guideline where they will accompany DEGADIS, another appendix B model for treating dense gas releases for use on a case-by-case basis.

Administrative Requirements

A. Executive Order 12866

Under Executive Order (E.O.) 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of E.O. 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

This final rule does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act on 1980, 44 U.S.C. 3501 et seq.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires EPA to consider potential impacts of regulations on small "entities". The final action taken today is a supplement to the notice of final rulemaking that was published on July 20, 1993 (58 FR 38816). As described earlier in this

⁴Environmental Protection Agency, 1987. On-Site Meteorological Program Guidance for Regulatory Modeling Applications. EPA Publication No. EPA-450/4–87–013. U.S. Environmental Protection Agency, Research Triangle Park, NC.