source has been in continuous compliance with the standards. The final rule contains different reporting schedules for major and area sources. Major sources are required to submit ongoing compliance status reports semiannually, unless an exceedance occurs, at which time quarterly reports would be required. This change is analogous to the requirements of the final General Provisions, which had only been proposed at the time of this proposed rulemaking.

In an effort to reduce the burden on area sources, the final rule allows area sources to complete an annual compliance report, and allows the source to maintain the report on site, to be made available to the Administrator or permitting authority upon request. The EPA recognizes that many permitting authorities may not be equipped to handle reports from area sources, and that these sources may not be the sources of primary concern to the authority. However, the requirements in the final rule do not alleviate affected area sources from complying with the reporting requirements of State or Federal operating permit programs under title V. The rule does require that area sources submit reports semiannually if exceedances occur, or if required by the Administrator or permitting authority.

Sources using a trivalent chromium bath are only required to keep records of the bath ingredients purchased. These sources must submit an initial notification and notification of compliance status, but are not required to submit on-going compliance status reports.

As a result of the reduced monitoring, reporting, and recordkeeping in the final rule compared to the proposed rule, the costs of these activities have also been reduced. A comparison of the cost of the monitoring, reporting, and recordkeeping associated with the final and proposed rules was presented in section III.B of this preamble for each of the regulated source categories.

One commenter requested that the rule clearly state which sections of the General Provisions apply to chromium electroplating sources and which do not apply. To eliminate confusion concerning the applicability of the General Provisions to this source category, Table 1 of subpart N lists which of the General Provisions to part 63 apply and which do not apply to affected sources.

K. Operating Permit Program

Eleven commenters stated that area sources should not be required to obtain title V operating permits because the

costs for area sources to obtain title V permits would be overly burdensome, and the emissions from these sources may be insignificant. Three of these commenters suggested that the rule explicitly state that a permit is required only for applicable emissions units at nonmajor sources. Two commenters asked that a general permit be included in the final rule to reduce the burden for small facilities. Another commenter stated that a title V permit is not necessary because existing requirements are enforceable through State and local permits. This commenter and one other commenter pointed out that because area sources are not likely to be subject to multiple MACT standards or to employ emissions averaging and complex alternate operating scenarios, title V permits do not benefit the area sources.

Two commenters stated that in preparing their title V permit programs, States did not anticipate a need for emission-unit specific permits at nonmajor sources, and inclusion of nonmajor sources under title V will require that many local agencies revise their permit programs. Two other commenters stated that States will not have the resources for completing title V permits for area sources; some states have exempted nonmajor sources from their permitting programs until the nonmajor source permitting rule is promulgated in the late 1990's.

The EPA believes that requiring all sources that are subject to the standards, including area sources, to obtain title V operating permits is important because of the toxicity of chromium compounds and the close proximity of many of these sources to residential areas. The EPA believes that permitting area sources will not be overly burdensome to permitting authorities and affected sources for the reasons given below.

First, many States are already permitting these sources under their State permit programs. The preamble to the final part 70 rule states that "some nonmajor sources would already be permitted at the State level, and therefore would have some experience with the permitting process and completing permit applications.' Therefore, a State would have little reason to defer title V permitting of sources that already have State operating permits. Second, the burden may be reduced significantly by issuing general permits to these sources. According to the preamble to the final part 70 rule, general permits " provide an alternative means for permitting sources for which the procedures of the normal permitting process would be overly burdensome,

such as area sources under section 112* * *" Under this option, States would develop a single general permit for this source category and issue it to individual sources; or alternatively, a letter or certification may be used. The burden would also be reduced by using general permits because public participation and the EPA and affected State review is only necessary when the initial general permit is drafted and issued. When subsequent general permits are issued to individual sources, these activities are not required. Finally, States are developing small business assistance programs (SBAP's) to assist these types of sources with the permitting process that will be funded using the annual fees collected from permitted sources. Small businesses may also be eligible for reduced permitting fees. Also, the EPA is developing a guidance document, scheduled to be completed by January 1995, which will include sample forms for monitoring, recordkeeping, and reporting requirements, and a simplified general operating permit.

Under title V, sources must include information on all emission points (except those considered insignificant under the State or local permit program) in their permit application. However, only these emission points that are subject to regulation will be addressed in the permit.

VI. Administrative Requirements

A. Docket

The docket for this rulemaking is A-88-02. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) [section 307(d)(7)(A) of the Act]. The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the ADDRESSES section of this notice.

B. Executive Order 12866

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review 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: