

601 et seq.). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the August 19, 1998 **Federal Register** action.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C.

808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of December 28, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. 804(2).

Dated: December 18, 1998.

**J. Charles Fox,**

*Assistant Administrator, Office of Water.*

For the reasons set out in the preamble, title 40 chapter I of the Code of Federal Regulations is amended as follows:

**PART 9—[AMENDED]**

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 et seq., 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding the new entries in numerical order under the indicated heading in the table to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

\* \* \* \* \*

	40 CFR citation	OMB control number
	* * * * *	*
	National Primary Drinking Water Regulations	
141.153–141.155 .....	* * * * *	2040–0201
	National Primary Drinking Water Regulations Implementation	
142.16(f) .....	* * * * *	2040–0201
	* * * * *	*

**PART 142—[AMENDED]**

3. The authority citation for part 142 continues to read as follows:

**Authority:** 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

4. Section 142.78 is amended by revising paragraph (b) to read as follows:

**§ 142.78 Procedure for processing an Indian Tribe's application.**

\* \* \* \* \*

(b) A tribe that meets the requirements of § 141.72 of this chapter is eligible to apply for development grants and primacy enforcement responsibility for a Public Water System Program and associated funding under section 1443(a) of the Act and for primary enforcement responsibility for public water systems under section 1413 of the Act and for the authority to waive the mailing requirement of § 141.155(a) of this chapter.

[FR Doc. 98–34304 Filed 12–24–98; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD–FRL–6210–3]

RIN 2060–AH66

**National Emission Standards for Hazardous Air Pollutants: Wood Furniture Manufacturing Operations**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; amendments.

**SUMMARY:** This action promulgates amendments to the “National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions from Wood Furniture Manufacturing Operations,” originally promulgated in the **Federal Register** on December 7, 1995. The amendments to the rule were proposed pursuant to three agreements reached in settlement of the following petitions for review: Chemical Manufacturers

Association v. EPA, No. 96–1031 (D.C. Cir.); Halogenated Solvents Industry Alliance, Inc. v. EPA, No. 96–1036 (D.C. Cir.); and Society of the Plastics Industry, Inc. v. Browner, No. 96–1038 (D.C. Cir.). This action also finalizes clarifying amendments, as well as technical amendments to certain sections of the rule.

**DATES:** This rule is effective December 28, 1998.

**ADDRESSES:** *Docket.* Interested parties may review items used to support this notice at: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–93–10, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the standards and the changes, contact Mr. Paul Almodovar, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–

0283. For information regarding the applicability of this action to a particular entity, contact Mr. Robert Marshall, Manufacturing Branch, Office of Compliance (2223A), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone (202) 564-7021.

#### SUPPLEMENTARY INFORMATION:

#### Regulated Entities

Entities potentially regulated by this action are owners or operators of facilities that are engaged, either in part or in whole, in wood furniture manufacturing operations and that are major sources as defined in 40 CFR part 63, subpart A, section 63.2. Regulated categories include:

Category	Examples of regulated entities
Industry ....	Facilities which are major sources of hazardous air pollutants (HAP) and manufacture wood furniture or wood furniture components.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that the EPA is now aware potentially could be regulated by this action. Other types of entities not listed in the table also could be regulated. To determine whether your facility (company, business, organization, etc.) is regulated by this action, you should carefully examine the applicability criteria in section 63.800 of the national emission standards for hazardous air pollutants (NESHAP) for wood furniture manufacturing operations (Wood Furniture NESHAP) that was promulgated in the **Federal Register** on December 7, 1995 (60 FR 62930) and codified at 40 CFR 63 subpart JJ. If you have questions regarding the applicability of this action to a particular entity, consult Mr. Robert Marshall at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented below is organized as follows:

- I. Background
- II. Comments Received on Proposed Changes and EPA Response to Comments
- III. Summary of Changes
- IV. Administrative Requirements
  - A. Docket
  - B. Paperwork Reduction Act
  - C. Executive Order 12866 Review
  - D. Regulatory Flexibility
  - E. Submission to Congress and the General Accounting Office
  - F. Unfunded Mandates Reform Act
  - G. National Technology Transfer and Advancement Act
  - H. Executive Order 12875: Enhancing Intergovernmental Partnership

- I. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
- J. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

#### I. Background

On December 7, 1995 (60 FR 62930), the EPA promulgated the Wood Furniture NESHAP. These standards were codified as subpart JJ in 40 CFR part 63. These standards established emission limits for, among other things, coating and gluing of wood furniture and wood furniture components. Three different parties, the Chemical Manufacturers Association (CMA), the Halogenated Solvents Industry Alliance, Inc. (HSIA), and the Society of the Plastics Industry, Inc. (SPI), petitioned for judicial review of the final rule under section 307(b) of the Clean Air Act (the Act).

The EPA executed settlement agreements with each of these petitioners on December 18, 1997. In accordance with section 113(g) of the Act, the EPA published notice of the petitions in the **Federal Register** on December 24, 1997 (62 FR 67360). The notice provided a 30-day opportunity for public comment. One comment supporting the agreements was submitted.

The settlement agreement between the EPA and the CMA requires the EPA to conduct notice and comment rulemaking proposing that certain glycol ethers be removed from the list of volatile hazardous air pollutants (VHAP) of potential concern in table 6 of the Wood Furniture NESHAP. The agreement also provides that the de minimis value in table 5 for 2-ethoxyethyl acetate be changed from 5.0 tons per year to 10.0 tons per year.

The settlement agreement between the EPA and the HSIA requires the EPA: (1) to conduct notice-and-comment rulemaking in accordance with section 307(d) of the Act proposing that perchloroethylene and trichloroethylene be deleted from the list of pollutants prohibited from use in cleaning and washoff solvents under section 63.803(e) of the regulations (table 4 of the Wood Furniture NESHAP); and (2) to give great weight to the recommendations of the Science Panel of the Joint Methylene Chloride Characterization Task Force regarding whether a reassessment of the cancer hazard for methylene chloride should be undertaken based on current scientific information. The settlement agreement also requires the EPA to conduct additional notice and comment rulemaking with respect to methylene

chloride if methylene chloride is reassessed and certain findings are made as a result of that reassessment.

The settlement agreement between the EPA and the SPI requires the EPA to propose technical amendments to the Wood Furniture NESHAP that would remove the subheadings of "Nonthreshold Pollutants," "High-Concern Pollutants," and "Unrankable Pollutants" in table 6, and remove footnote "a" to table 6 which relates to these hazard ranking classifications.

This action promulgates changes to the Wood Furniture NESHAP proposed to address the settlement agreements discussed above. This action also finalizes clarifying changes and corrections which were identified as being necessary after promulgation of the original rule.

#### II. Comments Received on Proposed Changes and EPA Response to Comments

Six comment letters were received on the proposed changes to the final wood furniture manufacturing operations. These comments have been included in the docket to the Wood Furniture NESHAP (Docket No. A-93-10) as items VI-D-01 through VI-D-04, and IV-G-01 through IV-G-03. This preamble serves as the only summary of the comments received on the proposed changes to the final rule.

Five of the commenters supported the EPA's proposed changes to the final rule based on the settlement agreements. One commenter suggested clarifying changes in addition to those that were proposed. This commenter suggested clarifying the requirements in the Formulation Assessment Plan for VHAP of potential concern, the applicability requirements of this rule, and the removal of the emission limit for thinners. The EPA will give further consideration to the suggested changes, but cannot finalize them at this time. The EPA believes that additional rulemaking would be necessary to provide the public with opportunity to comment on the suggested changes. The intent of this rulemaking was to address specific issues identified in the settlement agreements with the CMA, the HSIA, and the SPI, and make minor technical corrections rather than completely reopen the original rule for comment.

One commenter expressed concern that the EPA was proposing to delete perchloroethylene from the list of pollutants prohibited from use in cleaning and washing solvents and was "moving perc[hloroethylene] down a category in terms of risk classification." In particular, the commenter asserted

that the EPA has identified perchloroethylene as posing potential health risks, and has long considered it a "probable human carcinogen," citing a recent document from the EPA's Design for the Environment project on dry cleaning, an International Agency for Research on Cancer (IARC) monograph supporting a finding that perchloroethylene is a "probable human carcinogen," and a May 1998 report of the Children's Health Protection Advisory Committee.

Contrary to the commenter's concern, the EPA is not "moving perc[hloroethylene] down a category in terms of risk classification." At present, this chemical is not classified as to its carcinogenicity in the EPA's Integrated Risk Information System. The EPA is currently reassessing the potential carcinogenicity of perchloroethylene. Since a definitive assessment of carcinogenicity of this chemical has not been finalized by the EPA and since only chemicals classified as Type A and B carcinogens are prohibited in cleaning and washoff solvents, the EPA is removing perchloroethylene from the list of prohibited chemicals in table 4. This change in table 4 does not imply that the EPA has changed its judgment or, indeed, reached any judgment in its current scientific evaluation of this chemical, nor does it carry any weight with respect to policies adopted toward this chemical in other regulatory contexts. The EPA is aware of the IARC monograph on perchloroethylene, as well as assessments conducted by other groups, and will consider this information in its scientific reassessment. After this reassessment, the EPA will revisit, as needed, its decision to delete perchloroethylene from the list of chemicals prohibited in cleaning and washoff solvents.

The EPA does not believe that perchloroethylene, as a washoff or cleaning solvent in wood furniture manufacturing, poses a sufficiently significant risk to warrant prohibition under this rule at this time. Wood furniture manufacturers do not commonly use perchloroethylene as a washoff or cleaning solvent. Wood furniture manufacturers using water-borne coatings would probably use a water-based solvent as a cleaning solvent. Wood furniture manufacturers using solvent-borne coatings would use the same solvents contained in the coatings, such as methanol and mineral spirits for their washoff and cleaning operations. Therefore, the risk of exposure to perchloroethylene in wood furniture manufacturing operations is currently very low, and should continue to be low.

### III. Summary of Changes

The EPA is finalizing the proposed changes to table 6 of the Wood Furniture NESHAP. Table 6 lists those VHAP that are thought to pose a high concern for chronic toxicity. The regulations require affected sources to track the usage levels of these chemicals as part of their formulation assessment plans. The EPA, as a result of the negotiated rulemaking process for the original rule, included in the table 6 list only those chemicals with a toxicity composite score of 20 or higher.

The original table 6 contained subheadings for "nonthreshold" pollutants, "high-concern" pollutants, and "unrankable" pollutants. These subheadings followed the hazard ranking classification scheme proposed in regulations to implement the offsetting provisions of section 112(g) of the Act. The EPA now believes, however, that these subheadings, and footnote "a" which relates to these subheadings, serve no substantive function in this rule and have been removed from table 6. The definition of "VHAP of potential concern" has also been revised to reflect this change in table 6.

Section 63.803(l)(6) is revised to eliminate the reference to the 112(g) regulations. This cross-reference is not necessary because table 6 has been revised to include the de minimis value for each chemical. The de minimis values provided in table 6 are not changed from the current values extrapolated from the proposed section 112(g) regulations.

The EPA is also finalizing the proposed changes to tables 4 and 5. The EPA is finalizing the proposed changes to table 5 to change the de minimis level for 2-ethoxyethyl acetate from 5.0 to 10.0 tons per year. The EPA is finalizing the proposed changes to table 4 of the Wood Furniture NESHAP by removing trichloroethylene and perchloroethylene from the list of prohibited cleaning and washoff solvents.

The EPA is taking this opportunity to make additional technical and clarifying corrections to the final rule. The EPA has removed caprolactam from the list of VHAP in table 2 of the rule because this chemical has been delisted from the HAP list in section 112(b)(1) of the Act (61 FR 30816).

The EPA has revised the definition of "organic solvent" to reflect the EPA's intent in the final rule to regulate only those organic solvents considered HAP. The definition in the final rule should be limited to those organic solvents which are HAP. Therefore, the EPA has added the term "hazardous air

pollutant" to the definition of organic solvent (e.g., organic HAP solvent). Elsewhere in the text of the rule, the EPA has replaced the term "organic solvent" with the term "organic HAP solvent."

### IV. Administrative Requirements

#### A. Docket

Docket A-93-10 is an organized and complete file of all of the information submitted to, or otherwise considered by, the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public to readily identify and locate documents to enable them to participate effectively in the rulemaking process. The contents of the docket serve as the record for purposes of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act, 42 U.S.C. 7607(d)(7)(A)).

#### B. Paperwork Reduction Act

There are no additional information collection requirements contained in this action. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is not required.

#### C. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether a regulatory action is "significant" and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines "significant" regulatory action as one that is likely to lead to 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 in 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 or 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 Executive Order.

Pursuant to the terms of the Executive Order, it has been determined that this final rule is not a "significant regulatory action" within the meaning of the

Executive Order. These amendments do not add any new control requirements.

#### D. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with these final amendments to the rule. The EPA has also determined that these amendments will not have a significant economic impact on a substantial number of small entities. The changes should actually ease the compliance burden of the Wood Furniture NESHAP. The amendments issued today are expected to reduce the regulatory burden on facilities by relaxing requirements related to specified chemical compounds and by increasing one of the de minimis levels triggering regulatory action.

#### E. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. section 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

#### F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives

of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector in any one year. The changes finalized in this action will generally ease compliance for entities owning or operating wood furniture manufacturing facilities. The rule does not impose enforceable duties on State, local, or tribal governments. Therefore, the requirements of sections 202 and 205 of the UMRA do not apply to this action.

The EPA has likewise determined that the action promulgated today does not include any regulatory requirements that might significantly or uniquely affect small governments. Today's action does not impose any enforceable duties on small governments. Thus, today's action is not subject to the requirements of section 203 of the UMRA.

#### G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104-113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary

consensus standard bodies. The NTTAA requires the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This regulatory action makes amendments to the final rule that do not involve any technical standards that would require the EPA to consider voluntary consensus standards pursuant to section 12(d) of the NTTAA.

#### H. Executive Order 12875: Enhancing Intergovernmental Partnership

Under Executive Order 12875, the EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or the EPA consults with those governments. If the EPA complies by consulting, Executive Order 12875 requires the EPA to provide to the OMB a description of the extent of the EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires the EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's amendments to the rule do not create a mandate on State, local, or tribal governments. The amendments do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

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

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children, and

explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

*J. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments*

Under Executive Order 13084, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or the EPA consults with those governments. If the EPA complies by consulting, Executive Order 13084 requires the EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires the EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's amendments to the rule do not significantly or uniquely affect the communities of Indian tribal governments. The amendments issued today do not add any new requirements that are significantly or uniquely applicable to tribal communities or governments, or that will impose substantial compliance costs on these communities. Today's action will generally ease the compliance burden of wood furniture manufacturers subject to this rule. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Air pollution control, Hazardous substances, Reporting and

recordkeeping requirements, Wood furniture manufacturing.

Dated: December 18, 1998.

**Carol M. Browner,**  
*Administrator.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

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

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

**Subpart JJ—National Emissions Standards for Wood Furniture Manufacturing Operations**

2. Section 63.801 is amended by revising the definitions for "Cleaning operations," "Disposed offsite," "Equipment leak," "Recycled onsite," "Strippable spray booth material," "VHAP of potential concern," and "Washoff operations" and by removing the definition of "Organic solvent" and adding a definition of "Organic HAP solvent" to read as follows:

**§ 63.801 Definitions.**

\* \* \* \* \*

*Cleaning operations* means operations in which organic HAP solvent is used to remove coating materials or adhesives from equipment used in wood furniture manufacturing operations.

\* \* \* \* \*

*Disposed offsite* means sending used organic HAP solvent or coatings outside of the facility boundaries for disposal.

\* \* \* \* \*

*Equipment leak* means emissions of VHAP from pumps, valves, flanges, or other equipment used to transfer or apply coatings, adhesives, or organic HAP solvents.

\* \* \* \* \*

*Organic HAP solvent* means a HAP that is a volatile organic liquid used for dissolving or dispersing constituents in a coating or contact adhesive, adjusting the viscosity of a coating or contact adhesive, or cleaning equipment. When used in a coating or contact adhesive, the organic HAP solvent evaporates during drying and does not become a part of the dried film.

\* \* \* \* \*

*Recycled onsite* means the reuse of an organic HAP solvent in a process other than cleaning or washoff.

\* \* \* \* \*

*Strippable spray booth material* means a coating that:

(1) Is applied to a spray booth wall to provide a protective film to receive over spray during finishing operations;

(2) That is subsequently peeled off and disposed; and

(3) By achieving (1) and (2) of this definition reduces or eliminates the need to use organic HAP solvents to clean spray booth walls.

\* \* \* \* \*

*VHAP of potential concern* means any VHAP from the list in table 6 of this subpart.

\* \* \* \* \*

*Washoff operations* means those operations in which organic HAP solvent is used to remove coating from wood furniture or a wood furniture component.

\* \* \* \* \*

3. Section 63.803 is amended by revising paragraphs (c)(1), (d), (f), (i), (j), and (l)(6) to read as follows:

**§ 63.803 Work practice standards**

\* \* \* \* \*

(c) \* \* \*

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic HAP solvents;

\* \* \* \* \*

(d) *Cleaning and washoff solvent accounting system.* Each owner or operator of an affected source shall develop an organic HAP solvent accounting form to record:

(1) The quantity and type of organic HAP solvent used each month for washoff and cleaning, as defined in § 63.801 of this subpart;

(2) The number of pieces washed off, and the reason for the washoff; and

(3) The quantity of spent organic HAP solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite.

\* \* \* \* \*

(f) *Spray booth cleaning.* Each owner or operator of an affected source shall not use compounds containing more than 8.0 percent by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, or plastic filters unless the spray booth is being refurbished. If the spray booth is being refurbished, that is the spray booth coating or other protective material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic HAP solvent per booth to prepare the surface of the booth prior to applying the booth coating.

\* \* \* \* \*

(i) *Line cleaning.* Each owner or operator of an affected source shall pump or drain all organic HAP solvent used for line cleaning into a normally closed container.

\* \* \* \* \*

(j) *Gun cleaning.* Each owner or operator of an affected source shall collect all organic HAP solvent used to clean spray guns into a normally closed container.

\* \* \* \* \*

(l) \* \* \*

(6) If, after November 1998, an affected source uses a VHAP of potential concern listed in table 6 of this subpart for which a baseline level has not been previously established, then the baseline level shall be established as the *de minimis* level provided in that same table for that chemical. The affected source shall track the annual usage of each VHAP of potential concern identified in this paragraph that is present in amounts subject to MSDS reporting as required by OSHA. If usage of the VHAP of potential concern exceeds the *de minimis* level listed in table 6 of this subpart for that chemical, then the affected source shall provide an explanation to the permitting authority that documents the reason for the exceedance of the *de minimis* level. If the explanation is not one of those listed in paragraphs (l)(4)(i) through (l)(4)(iv) of this section, the affected source shall follow the procedures in paragraph (l)(5) of this section.

4. Table 2 of subpart JJ is revised to read as follows:

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS

Chemical name	CAS No.
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
2-Acetylaminofluorine	53963
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Allyl chloride	107051
4-Aminobiphenyl	92671
Aniline	62533
o-Anisidine	90040
Benzene	71432
Benzidine	92875
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524
Bis (2-ethylhexyl) phthalate (DEHP)	117817
Bis (chloromethyl) ether	542881
Bromoform	75252
1,3-Butadiene	106990
Carbon disulfide	75150
Carbon tetrachloride	56235

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS—Continued

Chemical name	CAS No.
Carbonyl sulfide	463581
Catechol	120809
Chloroacetic acid	79118
2-Chloroacetophenone	532274
Chlorobenzene	108907
Chloroform	67663
Chloromethyl methyl ether	107302
Chloroprene	126998
Cresols (isomers and mixture)	1319773
o-Cresol	95487
m-Cresol	108394
p-Cresol	106445
Cumene	98828
2,4-D (2,4-Dichlorophenoxyacetic acid, including salts and esters)	94757
DDE (1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene)	72559
Diazomethane	334883
Dibenzofuran	132649
1,2-Dibromo-3-chloropropane	96128
Dibutylphthalate	84742
1,4-Dichlorobenzene	106467
3,3'-Dichlorobenzidine	91941
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
1,3-Dichloropropene	542756
Diethanolamine	111422
N,N-Dimethylaniline	121697
Diethyl sulfate	64675
3,3'-Dimethoxybenzidine	119904
4-Dimethylaminoazobenzene	60117
3,3'-Dimethylbenzidine	119937
Dimethylcarbamoyl chloride	79447
N,N-Dimethylformamide	68122
1,1-Dimethylhydrazine	57147
Dimethyl phthalate	131113
Dimethyl sulfate	77781
4,6-Dinitro-o-cresol, and salts	534521
2,4-Dinitrophenol	51285
2,4-Dinitrotoluene	121142
1,4-Dioxane (1,4-Diethyleneoxide)	123911
1,2-Diphenylhydrazine	122667
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106898
1,2-Epoxybutane	106887
Ethyl acrylate	140885
Ethylbenzene	100414
Ethyl carbamate (Urethane)	51796
Ethyl chloride (Chloroethane)	75003
Ethylene dibromide (Dibromoethane)	106934
Ethylene dichloride (1,2-Dichloroethane)	107062
Ethylene glycol	107211
Ethylene oxide	75218
Ethylenethiourea	96457
Ethylidene dichloride (1,1-Dichloroethane)	75343
Formaldehyde	50000
Glycoethers <sup>a</sup>	.....
Hexachlorobenzene	118741
Hexachloro-1,3-butadiene	87683
Hexachloroethane	67721
Hexamethylene-1,6-diisocyanate	822060
Hexamethylphosphoramide	680319
Hexane	110543
Hydrazine	302012
Hydroquinone	123319
Isophorone	78591
Maleic anhydride	108316
Methanol	67561

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS—Continued

Chemical name	CAS No.
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Methyl chloroform (1,1,1-Trichloroethane)	71556
Methyl ethyl ketone (2-Butanone)	78933
Methylhydrazine	60344
Methyl iodide (Iodomethane)	74884
Methyl isobutyl ketone (Hexone)	108101
Methyl isocyanate	624839
Methyl methacrylate	80626
Methyl tert-butyl ether	1634044
4,4'-Methylenebis (2-chloroaniline)	101144
Methylene chloride (Dichloromethane)	75092
4,4'-Methylenediphenyl diisocyanate (MDI)	101688
4,4'-Methylenedianiline	101779
Naphthalene	91203
Nitrobenzene	98953
4-Nitrobiphenyl	92933
4-Nitrophenol	100027
2-Nitropropane	79469
N-Nitroso-N-methylurea	684935
N-Nitrosodimethylamine	62759
N-Nitrosomorpholine	59892
Phenol	108952
p-Phenylenediamine	106503
Phosgene	75445
Phthalic anhydride	85449
Polychlorinated biphenyls (Aroclors)	1336363
Polycyclic Organic Matter <sup>b</sup>	.....
1,3-Propane sultone	1120714
beta-Propiolactone	57578
Propionaldehyde	123386
Propoxur (Baygon)	114261
Propylene dichloride (1,2-Dichloropropane)	78875
Propylene oxide	75569
1,2-Propylenimine (2-Methyl aziridine)	75558
Quinone	106514
Styrene	100425
Styrene oxide	96093
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746016
1,1,2,2-Tetrachloroethane	79345
Tetrachloroethylene (Perchloroethylene)	127184
Toluene	108883
2,4-Toluenediamine	95807
Toluene-2,4-diisocyanate	584849
o-Toluidine	95534
1,2,4-Trichlorobenzene	120821
1,1,2-Trichloroethane	79005
Trichloroethylene	79016
2,4,5-Trichlorophenol	95954
2,4,6-Trichlorophenol	88062
Triethylamine	121448
Trifluralin	1582098
2,2,4-Trimethylpentane	540841
Vinyl acetate	108054
Vinyl bromide	593602
Vinyl chloride	75014
Vinylidene chloride (1,1-Dichloroethylene)	75354
Xylenes (isomers and mixture)	1330207
o-Xylene	95476
m-Xylene	108383

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS—Continued

Chemical name	CAS No.
p-Xylene .....	106423

<sup>a</sup>Includes mono- and di-ethers of ethylene glycol, diethylene glycols and triethylene glycol; R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub> RR-OR where: n = 1, 2, or 3, R = alkyl or aryl groups  
<sup>b</sup>R = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.

<sup>c</sup>Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

5. Table 4 of subpart JJ is revised to read as follows:

TABLE 4.—POLLUTANTS EXCLUDED FROM USE IN CLEANING AND WASHOFF SOLVENTS

Chemical name	CAS No.
4-Aminobiphenyl .....	92671
Styrene oxide .....	96093
Diethyl sulfate .....	64675
N-Nitrosomorpholine .....	59892
Dimethyl formamide .....	68122
Hexamethylphosphoramide .....	680319
Acetamide .....	60355
4,4'-Methylenedianiline .....	101779
o-Anisidine .....	90040
2,3,7,8-Tetrachlorodibenzo-p-dioxin .....	1746016
Beryllium salts .....	.....
Benzidine .....	92875
N-Nitroso-N-methylurea .....	684935
Bis (chloromethyl) ether .....	542881
Dimethyl carbamoyl chloride .....	79447
Chromium compounds (hexavalent) .....	.....
1,2-Propylenimine (2-Methyl aziridine) .....	75558
Arsenic and inorganic arsenic compounds .....	99999904

TABLE 4.—POLLUTANTS EXCLUDED FROM USE IN CLEANING AND WASHOFF SOLVENTS—Continued

Chemical name	CAS No.
Hydrazine .....	302012
1,1-Dimethyl hydrazine .....	57147
Beryllium compounds .....	7440417
1,2-Dibromo-3-chloropropane .....	96128
N-Nitrosodimethylamine .....	62759
Cadmium compounds .....	.....
Benzo (a) pyrene .....	50328
Polychlorinated biphenyls (Aroclors) .....	1336363
Heptachlor .....	76448
3,3'-Dimethyl benzidine .....	119937
Nickel subsulfide .....	12035722
Acrylamide .....	79061
Hexachlorobenzene .....	118741
Chlordane .....	57749
1,3-Propane sultone .....	1120714
1,3-Butadiene .....	106990
Nickel refinery dust .....	.....
2-Acetylaminoflourine .....	53963
3,3'-Dichlorobenzidine .....	53963
Lindane (hexachlorcyclohexane, gamma) .....	58899
2,4-Toluene diamine .....	95807
Dichloroethyl ether (Bis(2-chloroethyl) ether) .....	111444
1,2-Diphenylhydrazine .....	122667
Toxaphene (chlorinated camphene) .....	8001352
2,4-Dinitrotoluene .....	121142
3,3'-Dimethoxybenzidine .....	119904
Formaldehyde .....	50000
4,4'-Methylene bis (2-chloroaniline) .....	101144
Acrylonitrile .....	107131
Ethylene dibromide (1,2-Dibromoethane) .....	106934
DDE (1,1-p-chlorophenyl 1-2 dichloroethylene) .....	72559
Chlorobenzilate .....	510156
Dichlorvos .....	62737
Vinyl chloride .....	75014
Coke Oven Emissions .....	.....
Ethylene oxide .....	75218

TABLE 4.—POLLUTANTS EXCLUDED FROM USE IN CLEANING AND WASHOFF SOLVENTS—Continued

Chemical name	CAS No.
Ethylene thiourea .....	96457
Vinyl bromide (bromoethene) .....	593602
Selenium sulfide (mono and di) ....	7488564
Chloroform .....	67663
Pentachlorophenol .....	87865
Ethyl carbamate (Urethane) .....	51796
Ethylene dichloride (1,2-Dichloroethane) .....	107062
Propylene dichloride (1,2-Dichloropropane) .....	78875
Carbon tetrachloride .....	56235
Benzene .....	71432
Methyl hydrazine .....	60344
Ethyl acrylate .....	140885
Propylene oxide .....	75569
Aniline .....	62533
1,4-Dichlorobenzene(p) .....	106467
2,4,6-Trichlorophenol .....	88062
Bis (2-ethylhexyl) phthalate (DEHP) .....	117817
o-Toluidine .....	95534
Propoxur .....	114261
1,4-Dioxane (1,4-Diethyleneoxide) .....	123911
Acetaldehyde .....	75070
Bromoform .....	75252
Captan .....	133062
Epichlorohydrin .....	106898
Methylene chloride (Dichloromethane) .....	75092
Dibenz (ah) anthracene .....	53703
Chrysene .....	218019
Dimethyl aminoazobenzene .....	60117
Benzo (a) anthracene .....	56553
Benzo (b) fluoranthene .....	205992
Antimony trioxide .....	1309644
2-Nitropropane .....	79469
1,3-Dichloropropene .....	542756
7, 12-Dimethylbenz(a) anthracene .....	57976
Benz(c) acridine .....	225514
Indeno(1,2,3-cd)pyrene .....	193395
1,2:7,8-Dibenzopyrene .....	189559

6. Table 5 of subpart JJ is revised to read as follows:

TABLE 5.—LIST OF VHAP OF POTENTIAL CONCERN IDENTIFIED BY INDUSTRY

CAS No.	Chemical name	EPA de minimis, tons/yr
68122 .....	Dimethyl formamide .....	1.0
50000 .....	Formaldehyde .....	0.2
75092 .....	Methylene chloride .....	4.0
79469 .....	2-Nitropropane .....	1.0
78591 .....	Isophorone .....	0.7
1000425 ...	Styrene monomer .....	1.0
108952 .....	Phenol .....	0.1
111422 .....	Dimethanolamine .....	5.0
109864 .....	2-Methoxyethanol .....	10.0
111159 .....	2-Ethoxyethyl acetate .....	10.0

7. Table 6 of subpart JJ is revised to read as follow:

TABLE 6.—VHAP OF POTENTIAL CONCERN

CAS No.	Chemical name	EPA de mini- mis, tons/yr*
92671	4-Aminobiphenyl	1.0
96093	Styrene oxide	1.0
64675	Diethyl sulfate	1.0
59892	N-Nitrosomorpholine	1.0
68122	Dimethyl formamide	1.0
680319	Hexamethylphosphoramide	0.01
60355	Acetamide	1.0
101779	4,4'-Methylenedianiline	1.0
90040	o-Anisidine	1.0
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.0000006
92875	Benzidine	0.00003
684935	N-Nitroso-N-methylurea	0.00002
542881	Bis(chloromethyl) ether	0.00003
79447	Dimethyl carbamoyl chloride	0.002
75558	1,2-Propylenimine (2-Methyl aziridine)	0.0003
57147	1,1-Dimethyl hydrazine	0.0008
96128	1,2-Dibromo-3-chloropropane	0.001
62759	N-Nitrosodimethylamine	0.0001
50328	Benzo (a) pyrene	0.001
1336363	Polychlorinated biphenyls (Aroclors)	0.0009
76448	Heptachlor	0.002
119937	3,3'-Dimethyl benzidine	0.001
79061	Acrylamide	0.002
118741	Hexachlorobenzene	0.004
57749	Chlordane	0.005
1120714	1,3-Propane sultone	0.003
106990	1,3-Butadiene	0.007
53963	2-Acetylaminothiourea	0.0005
91941	3,3'-Dichlorobenzidine	0.02
58899	Lindane (hexachlorocyclohexane, gamma)	0.005
95807	2,4-Toluene diamine	0.002
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.006
122667	1,2-Diphenylhydrazine	0.009
8001352	Toxaphene (chlorinated camphene)	0.006
121142	2,4-Dinitrotoluene	0.002
119904	3,3'-Dimethoxybenzidine	0.01
50000	Formaldehyde	0.2
101144	4,4'-Methylene bis(2-chloroaniline)	0.02
107131	Acrylonitrile	0.03
106934	Ethylene dibromide(1,2-Dibromoethane)	0.01
72559	DDE (1,1-p-chlorophenyl 1-2 dichloroethylene)	0.01
510156	Chlorobenzilate	0.04
62737	Dichlorvos	0.02
75014	Vinyl chloride	0.02
75218	Ethylene oxide	0.09
96457	Ethylene thiourea	0.06
593602	Vinyl bromide (bromoethene)	0.06
67663	Chloroform	0.09
87865	Pentachlorophenol	0.07
51796	Ethyl carbamate (Urethane)	0.08
107062	Ethylene dichloride (1,2-Dichloroethane)	0.08
78875	Propylene dichloride (1,2-Dichloropropane)	0.1
56235	Carbon tetrachloride	0.1
71432	Benzene	0.2
140885	Ethyl acrylate	0.1
75569	Propylene oxide	0.5
62533	Aniline	0.1
106467	1,4-Dichlorobenzene(p)	0.3
88062	2,4,6-Trichlorophenol	0.6
117817	Bis (2-ethylhexyl) phthalate (DEHP)	0.5
95534	o-Toluidine	0.4
114261	Propoxur	2.0
79016	Trichloroethylene	1.0
123911	1,4-Dioxane (1,4-Diethyleneoxide)	0.6
75070	Acetaldehyde	0.9
75252	Bromoform	2.0
133062	Captan	2.0
106898	Epichlorohydrin	2.0
75092	Methylene chloride (Dichloromethane)	4.0
127184	Tetrachloroethylene (Perchloroethylene)	4.0
53703	Dibenz (ah) anthracene	0.01



TABLE 6.—VHAP OF POTENTIAL CONCERN—Continued

CAS No.	Chemical name	EPA de minimis, tons/yr*
218019	Chrysene	0.01
60117	Dimethyl aminoazobenzene	1.0
56553	Benzo (a) anthracene	0.01
205992	Benzo (b) fluoranthene	0.01
79469	2-Nitropropane	1.0
542756	1,3-Dichloropropene	1.0
57976	7,12-Dimethylbenz (a) anthracene	0.01
225514	Benz(c)acridine	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
79345	1,1,2,2-Tetrachloroethane	0.03
91225	Quinoline	0.0006
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.04
87683	Hexachlorobutadiene	0.09
82688	Pentachloronitrobenzene (Quintobenzene)	0.03
78591	Isophorone	0.7
79005	1,1,2-Trichloroethane	0.1
74873	Methyl chloride (Chloromethane)	1.0
67721	Hexachloroethane	0.5
1582098	Trifluralin	0.9
1319773	Cresols/Cresylic acid (isomers and mixture)	1.0
108394	m-Cresol	1.0
75343	Ethylidene dichloride (1,1-Dichloroethane)	1.0
95487	o-Cresol	1.0
106445	p-Cresol	1.0
74884	Methyl iodide (Iodomethane)	1.0
100425	Styrene	1.0
107051	Allyl chloride	1.0
334883	Diazomethane	1.0
95954	2,4,5—Trichlorophenol	1.0
133904	Chloramben	1.0
106887	1,2—Epoxybutane	1.0
108054	Vinyl acetate	1.0
126998	Chloroprene	1.0
123319	Hydroquinone	1.0
92933	4-Nitrobiphenyl	1.0
56382	Parathion	0.1
13463393	Nickel Carbonyl	0.1
60344	Methyl hydrazine	0.006
151564	Ethylene imine	0.0003
77781	Dimethyl sulfate	0.1
107302	Chloromethyl methyl ether	0.1
57578	beta-Propiolactone	0.1
100447	Benzyl chloride	0.04
98077	Benzotrichloride	0.0006
107028	Acrolein	0.04
584849	2,4—Toluene diisocyanate	0.1
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
12108133	Methylcyclopentadienyl manganese	0.1
624839	Methyl isocyanate	0.1
77474	Hexachlorocyclopentadiene	0.1
62207765	Fluomine	0.1
10210681	Cobalt carbonyl	0.1
79118	Chloroacetic acid	0.1
534521	4,6-Dinitro-o-cresol, and salts	0.1
101688	Methylene diphenyl diisocyanate	0.1
108952	Phenol	0.1
62384	Mercury, (acetato-o) phenyl	0.01
98862	Acetophenone	1.0
108316	Maleic anhydride	1.0
532274	2-Chloroacetophenone	0.06
51285	2,4-Dinitrophenol	1.0
109864	2-Methoxy ethanol	10.0
98953	Nitrobenzene	1.0
74839	Methyl bromide (Bromomethane)	10.0
75150	Carbon disulfide	1.0
121697	N,N-Dimethylaniline	1.0
106514	Quinone	5.0
123386	Propionaldehyde	5.0
120809	Catechol	5.0

TABLE 6.—VHAP OF POTENTIAL CONCERN—Continued

CAS No.	Chemical name	EPA de minimis, tons/yr*
85449 .....	Phthalic anhydride .....	5.0
463581 .....	Carbonyl sulfide .....	5.0
132649 .....	Dibenzofurans .....	5.0
100027 .....	4-Nitrophenol .....	5.0
540841 .....	2,2,4-Trimethylpentane .....	5.0
111422 .....	Diethanolamine .....	5.0
822060 .....	Hexamethylene-1,6-diisocyanate .....	5.0
	Glycol ethers <sup>a</sup> .....	5.0
	Polycyclic organic matter <sup>b</sup> .....	0.01

\* These values are based on the de minimis levels provided in the proposed rulemaking pursuant to section 112(g) of the Act using a 70-year lifetime exposure duration for all VHAP. Default assumptions and the de minimis values based on inhalation reference doses (RfC) are not changed by this adjustment.

<sup>a</sup> Except for ethylene glycol butyl ether, ethylene glycol ethyl ether (2-ethoxy ethanol), ethylene glycol hexyl ether, ethylene glycol methyl ether (2-methoxyethanol), ethylene glycol phenyl ether, ethylene glycol propyl ether, ethylene glycol mono-2-ethylhexyl ether, diethylene glycol butyl ether, diethylene glycol ethyl ether, diethylene glycol methyl ether, diethylene glycol hexyl ether, diethylene glycol phenyl ether, diethylene glycol propyl ether, triethylene glycol butyl ether, triethylene glycol ethyl ether, triethylene glycol methyl ether, triethylene glycol propyl ether, ethylene glycol butyl ether acetate, ethylene glycol ethyl ether acetate, and diethylene glycol ethyl ether acetate.

<sup>b</sup> Except for benzo(b)fluoranthene, benzo(a)anthracene, benzo(a)pyrene, 7,12-dimethylbenz(a)anthracene, benz(c)acridine, chrysene, dibenz(ah) anthracene, 1,2,7,8-dibenzopyrene, indeno(1,2,3-cd)pyrene, but including dioxins and furans.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-6210-5]

RIN 2060-AH74

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Pulp and Paper Production**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** Under the authority of the Clean Air Act, as amended, the EPA has promulgated standards (63 FR 18504, April 15, 1998) to reduce hazardous air pollutant (HAP) emissions from the pulp and paper production source category. This rule is known as the Pulp and Paper national emission standards for hazardous air pollutants (NESHAP) and is the air component of the integrated air and water rules for the pulp and paper industry, commonly known as the Pulp and Paper Cluster Rules. The rule applies to pulp and

paper production processes included under the Standard Industrial Classification (SIC) code 26.

In this action, the EPA is taking direct final action amending the interim NESHAP for chloroform emissions from mills which have enrolled in the Voluntary Advanced Technology Incentives Program (VATIP) to include, as a compliance alternative, meeting the baseline Best Available Technology (BAT) requirements for 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) and adsorbable organic halides (AOX). This standard could apply instead of the present, exclusive requirement of no increase in application rate of chlorine or hypochlorite above a specified baseline.

**DATES: Effective Date.** These amendments will be effective without further notice on February 26, 1999, unless the EPA receives adverse comments by January 27, 1999. Should the Agency receive such comments, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES: Comments.** Interested parties having adverse comments on this action may submit these comments in writing (in duplicate, if possible) to

Docket No. A-92-40 at the following address: Air and Radiation Docket and Information Center (MC-6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of the comments also be sent to the contact person listed below.

Today's document and other materials related to this direct final rulemaking are available for review in the docket. Copies of this information may be obtained by request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven Silverman, Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone number (202) 260-7716. For technical information regarding the NESHAP, contact Mr. Stephen Shedd, Emissions Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5397 or e-mail at [shedd.steve@epa.gov](mailto:shedd.steve@epa.gov).

**SUPPLEMENTARY INFORMATION: Regulated entities.** Entities potentially regulated by this action include:

Category	SIC code	Examples of regulated entities
Industry .....	26	Pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in the amendments to the regulation affected by this action. This

table lists the types of entities that the EPA is now aware could potentially be regulated by this action. To determine whether your facility is regulated by this action, you should carefully examine

the applicability criteria in part 63, subparts A and S of Title 40 of the Code of Federal Regulations.

**Information contacts.** If you have questions regarding the applicability of