

Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: November 9, 1999.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

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

**Subpart F—California**

2. Section 52.220 is amended by adding paragraphs (c)(264)(i)(C) and (266)(i)(A)(2).

**§ 52.220 Identification of Plan.**

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(c) \* \* \*  
(264) \* \* \*  
(i) \* \* \*

(C) Ventura County Air Pollution Control District.

(1) Rule 64, adopted on April 13, 1999.

\* \* \* \* \*

(266) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(2) Rule 431.1, adopted on November 4, 1997 and amended on June 12, 1998.

\* \* \* \* \*

[FR Doc. 99-31212 Filed 12-2-99; 8:45 am]

**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-6500-2]

RIN 2060-A137

**National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations**

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

**ACTION:** Interim final rule.

**SUMMARY:** Today's action suspends the National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations (EO NESHAP) requirements for chamber exhaust and aeration room vents. The suspension allows affected sources subject to the EO NESHAP to defer compliance with the NESHAP requirements for chamber

exhaust until December 6, 2001 and aeration room vents until December 6, 2000. This suspension does not affect the requirement for sources subject to the EO NESHAP to comply with provisions for sterilizer vents. This action does not change the level of the standards or the intent of the NESHAP promulgated in 1994.

**DATES:** This action is effective December 3, 1999. Comments may be submitted until January 3, 2000.

**ADDRESSES:** Docket No. A-88-03, category VIII Amendments, contains supporting information used in developing the standards. The docket is located at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. This docket also contains information considered by the EPA in proposing and promulgating the original EO NESHAP.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the analysis performed in developing this interim rule, contact David W. Markwordt at the Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-0837, facsimile (919) 541-0942, e-mail address markwordt.david@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**Docket**

The docket is an organized file of information considered by the EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (Act).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**Judicial Review**

Under section 307(b)(1) of the Clean Air Act (Act), judicial review of this final action is available only by filing a petition for review in the U.S. Court of

Appeals for the District of Columbia Circuit within 60 days of today's publication of this interim final rule. Under section 307(b)(2) of the Act, the actions taken in today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

**Technology Transfer Network**

In addition to being available in the docket, an electronic copy of today's interim final rule is also available through the Technology Transfer Network (TTN). Following signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

**Regulated Entities**

Regulated categories and entities include:

TABLE 1.—REGULATED CATEGORIES AND ENTITIES

Entity category	Description/SIC code
Industrial .....	Medical suppliers/ 3841, 3842, Pharmaceu- ticals/2834, 5122, 2831, 2833. Spice manufactures/ 2099, 5149, 2034, 2035, 2046. Contract Sterilizers/ 7399, 7218, 8091.
Federal Government	Not Affected.
State/Local/Tribal Gov	Not Affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities regulated by the NESHAP addressed in this interim final rule. If you have questions regarding the applicability of the NESHAP addressed in this interim final rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION** section.

**I. What Is the Background for This Suspension?**

On December 6, 1994, we promulgated the EO NESHAP which regulates emissions of ethylene oxide from new and existing commercial sterilization and fumigation operations using 1 ton or more of EO per year (59 FR 62585). The regulated category and entities affected by today's action are the sources described in 40 CFR 63.360. That provision includes commercial operations using ethylene oxide as a

sterilant and fumigant in the production of medical equipment and supplies, and in miscellaneous sterilization and fumigation operations at both major and area sources. Note that this description is not intended to be exhaustive but, rather, to provide a guide for readers interested in this suspension. To determine whether your facility is affected by today's action, you should carefully examine the applicability criteria in 40 CFR 63.360 and the explanation provided in this interim final rule. If you have questions about the applicability of today's action to a particular entity, consult the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

In July 1997, we learned of reports of explosions at ethylene oxide sterilization and fumigation facilities. We subsequently suspended the EO NESHAP for 1 year until December 6, 1998 to provide time to determine the appropriate action necessary to mitigate the cause of the explosions (62 FR 64736).

After becoming aware of the explosions, the industry worked through the Ethylene Oxide Sterilization Association (EOSA) to begin investigations. The EOSA established a Safety Committee in September 1997 which has been meeting on a bimonthly basis since then. Sterilization industry leaders, abatement device vendors, and Federal, State and local agencies have been participating in the Safety Committee meetings.

In a June 2, 1998 letter to EPA, the EOSA recommended, "additional time to consider safe and economical control, installation, operation and maintenance alternatives applicable to aeration and chamber exhaust (backvent) emissions \* \* \*" (see Docket No. A-88-03). The Health Industries Manufacturers Association (HIMA) reviewed the recommendation. The EOSA and HIMA membership represent most of the ethylene oxide sterilization and fumigation industry. The EOSA "concluded that the oxidizer systems had not been properly integrated with traditional ethylene oxide sterilization process operations, that is, installation, operation and maintenance issues had not been sufficiently addressed by sterilizer operators." The EOSA also concluded that "improperly overfeeding the oxidizer system from the chamber backvent was the primary safety concern."

We also conducted an independent investigation of the accidents and reviewed reports prepared by EPA Regional Offices and by EOSA member sterilization companies and, based on

that investigation and review, concurred with the industry conclusion and recommendation (see Docket No. A-88-03). We further suspended the EO NESHAP for both aeration room vents and chamber backvents for 1 year until December 6, 1999 to provide time to determine the appropriate action necessary to mitigate the cause of the explosions (63 FR 66990). Aeration room vents were included in the suspension because control systems typically integrate both vents to the same control device.

## II. What Is the Rationale for Today's Suspension of Chamber Exhaust and Aeration Room Vent Requirements?

As noted above, in July 1997, the Agency learned of reports of explosions at ethylene oxide facilities. Several of these explosions occurred at facilities subject to the EO NESHAP. The Agency immediately began conducting a preliminary investigation to determine if the emission control equipment mandated by 40 CFR part 63, subpart O, was in any way associated with the cause of the problems at these facilities. The Agency, on December 9, 1997, wishing to adopt a cautious approach in order to assure public and worker safety, published in the **Federal Register** an interim final rule suspending 40 CFR part 63, subpart O (62 FR 64736). Since publication of the December 9, 1997 rule, both EPA and industry have continued to investigate the cause of the accidents.

In 1998, the Agency agreed with industry that, in the cases where explosions occurred, the catalytic oxidizer units were overfed with ethylene oxide in concentrations above the safe operations limit due to abnormal activation of the chamber exhaust (backvent). The Agency concluded that main vent emissions routed through the vacuum pump played no role in the explosions. The Agency also concluded that any emissions control technology necessary to comply with the EO NESHAP needs to be properly integrated into the sterilization system and operations and must reflect the full range of normal and abnormal conditions that may occur.

The suspension, in December 1998, for chamber exhaust vents was based on the assumption that sterilization chamber operators would be able to evaluate and integrate the emission control technology with sterilizer operation to ensure prevention of future explosions by December 6, 1999. To date, solutions to the safety problems have not been developed. Consequently, the EOSA and individual plant operators have requested EPA to

eliminate the requirement for backdraft vents (see Docket No. A-88-03).

It is beyond the Agency's legal mandate and technical expertise to certify equipment for safe use. The Clean Air Act generally requires the Agency to assess existing emission control technology for application to non-controlled emission sources. The use of existing technology by some sources in the relevant category presumes the ability to operate that technology in a proven safe manner. At the time of promulgation (December 1994), state-of-the-art control technology for chamber exhaust emissions apparently involved safety hazards not known at that time. Therefore, the Agency will reconsider its original MACT determination for chamber exhaust vents and propose a course of action in the near future.

Today's 2-year suspension of control requirements for chamber exhaust emissions is based on the anticipated time required to propose and promulgate changes in the **Federal Register**. It's our intent to resolve this matter as quickly as possible, and we hope to finalize a revised rule in less than 2 years.

Today's 1-year suspension of control requirements for aeration room vents is based on the fact that many facilities are routing chamber exhaust emissions to the emission control device for aeration room vents. Facilities that control both aeration and chamber exhaust emissions via one abatement device will need to disconnect the chamber exhaust vent from the aeration room control device. Therefore, the Agency is providing time to separate chamber exhaust emissions from integrated control systems, if needed.

In this matter, we wish to err, if at all, on the side of safety. Accordingly, we are, today, further suspending the EO NESHAP emission limitation requirements in 40 CFR part 63, subpart O, for chamber exhaust and aeration room vents, as those emission points are defined at 40 CFR 63.361, until December 6, 2001 and December 6, 2000, respectively, pursuant to our general rulemaking authority under section 301(a) of the Act, 42 U.S.C. 7601(a). Sources must continue to comply with the EO NESHAP emission limitation requirements in 40 CFR part 63, subpart O, for sterilization chamber vents, as those emission points are defined at 40 CFR 63.361, because we have determined that their controls do not pose a safety concern.

Section 301(a) of the Act grants the Administrator of the EPA the authority "to prescribe such regulations as are necessary to carry out his functions

under this Act.” Given the unique circumstances and uncertainty surrounding the EO NESHAP, as described in this interim final rule, EPA believes that it is necessary to further suspend this rule’s requirements for chamber exhaust and aeration room vents for the safety of the public and workers in and around EO facilities. The control requirements of the EO NESHAP for chamber exhaust and aeration room vents continue to pose potential safety problems for which viable solutions are not currently available. This action is consistent with the objectives of the Act as stated in section 101(b), 42 U.S.C. 7401(b), “(T)he purposes of this subchapter are \* \* \* to promote the public health and welfare and the productive capacity of its population \* \* \*.”

The original EO NESHAP and today’s interim final rule are promulgated pursuant to section 307(d) of the Act, 42 U.S.C. 7607(d), which requires that any rule subject to that section be issued only after the public has received notice of, and an opportunity to comment on, the rule. However, section 307(d)(1) exempts from those requirements any rule for which the Agency finds under the Administrative Procedure Act, 5 U.S.C. 553(b), that providing prior notice-and-comment would be impracticable, unnecessary or contrary to the public interest.

We believe the circumstances presented here provide good cause to take this action without prior notice-and-comment. We find providing prior notice-and-comment would be impracticable and contrary to the public interest based on the potential ongoing danger to public and worker safety posed by the recent incidents at ethylene oxide facilities. There is simply not enough time to provide notice-and-comment procedures before the current compliance date of December 6, 1999 arrives, and until the compliance date is extended, sources are faced with having to install control equipment in time to meet the current compliance date. Only by omitting notice-and-comment from this action can we provide sources affected by the EO NESHAP with timely legal relief from the current compliance date while we further investigate the situation. Consequently, this action is being promulgated without prior notice-and-comment as provided for in section 307(b)(1) of the Act and is immediately effective as provided for in section 112(d)(10) of the Act.

Nonetheless, we are providing 30 days for submission of public comments. We will consider all written comments submitted in the allotted time

period to determine if any change to this action is necessary.

In suspending the EO NESHAP requirements for chamber exhaust and aeration room vents, the Administrator wishes to remind the public and the regulated community that the role of the EPA has been and continues to be protection of public health and the environment in a way that is consistent with safety concerns.

### III. Administrative Requirements

#### A. Paperwork Reduction Act

The information collection requirements of the EO NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 2060-0283) may be obtained from Ms. Sandy Farmer, Information Policy Branch (2136), U.S. EPA, 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-2740.

Today’s action has no impact on the information collection burden estimates made previously. Today’s action merely suspends the EO NESHAP requirements for chamber exhaust and aeration room vents for 1 year. This change does not impose new requirements. Consequently, the ICR has not been revised.

#### B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is “significant” and therefore subject to review by OMB on the basis of the requirements of the Executive Order in addition to its normal review requirements. The Executive 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, 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.
- Today’s action does not fall within any of the four categories described

above. Instead, it reduces the burden on certain sources by temporarily suspending the EO NESHAP requirements for chamber exhaust and aeration vents. Consequently, under Executive Order 12866, this action is not a “significant regulatory action” and is therefore not subject to review by OMB.

#### C. Executive Order 13132

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA’s prior consultation with State and local officials, a summary of the nature of their concerns and the Agency’s position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the agency’s Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This final rule will not have substantial direct effects on the States,

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Today's action suspends existing requirements which were promulgated in December 1994. There are minimal, if any, impacts associated with this action, thus, the requirements of section 6 of the Executive Order do not apply to this rule.

*D. Regulatory Flexibility/Small Business Regulatory Enforcement Fairness Act of 1996*

Under the Regulatory Flexibility Act, Pub. L. 96-354, whenever an Agency publishes any proposed or final rule in the **Federal Register**, it must, except under certain circumstances, prepare a Regulatory Flexibility Analysis (RFA) that describes the impact of the rule on small entities (i.e., small businesses, organizations, and governmental jurisdictions). That analysis is not necessary if the Agency determines that the rule will not have a significant economic impact on a substantial number of small entities.

The EPA believes that there will be little or no adverse impact on any small entities as a result of the promulgation of this rule because, rather than imposing additional requirements, this rule provides additional time to comply with parts of the EO NESHAP. Because the impacts are anticipated to be insignificant or beneficial, EPA has concluded that this rule will not have a significant economic impact on a substantial number of small entities. Consequently, an RFA is not required.

*E. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, 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 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires 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 objects of the rule. The

provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows 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 of why that alternative was not adopted. Before 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.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Instead, this rule provides additional time to comply with some requirements of the EO NESHAP. Because the rule is not expected to result in the expenditure by State, local, and tribal governments or the private sector of \$100 million or more in any 1 year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments. For the reasons stated above, the requirements of the UMRA do not apply to this section.

*F. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act of 1995 (NTTAA) requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with the NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that the use of VCS in this interim final rule is impractical. The suspension of the EO NESHAP requirements for chamber exhaust and aeration room vents is merely a procedural action that does not require

sources to take substantive steps that lend themselves to VCS.

*G. Executive Order 13045*

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is "economically significant" as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects 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 interim final rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

*H. Executive Order 13084*

Under Executive Order 13084, 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 EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of 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 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This interim final rule imposes no enforceable duties on these entities. Rather, the interim

final rule temporarily suspends certain regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

*I. Congressional Review Act*

Under the Small Business Regulatory Enforcement Fairness Act of 1996, we submitted a report containing these final amendments and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of these final amendments in the **Federal Register**. This is not a "major rule" as defined by the Small Business Regulatory Enforcement Fairness Act.

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

Environmental protection, Air pollution control, Ethylene oxide sterilization, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 29, 1999.

**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 O—[Amended]**

2. Section 63.360 is amended by revising paragraphs (g)(4), (g)(5), and (g)(6) and adding paragraphs (g)(7), (g)(8), (g)(9), and (g)(10) to read as follows:

**§ 63.360 Applicability.**

\* \* \* \* \*

(g) \* \* \*

(4) All aeration room vents subject to the emissions standards in § 63.362 with an initial startup date before December 6, 2000, no later than December 6, 2000.

(5) All aeration room vents subject to the emissions standards in § 63.362 with an initial startup date on or after December 6, 2000, immediately upon initial startup of the source.

(6) All aeration room vents at sources using less than 10 tons that increase

their ethylene oxide usage after December 6, 2000, such that the aeration room vents become subject to the emissions standards in § 63.362, immediately upon becoming subject to the emission standards.

(7) All chamber exhaust vents subject to the emissions standards in § 63.362 with an initial startup date before December 6, 2001, no later than December 6, 2001.

(8) All chamber exhaust vents subject to the emissions standards in § 63.362 with an initial startup date on or after December 6, 2001, immediately upon initial startup of the source.

(9) All chamber exhaust vents at sources using less than 1 ton that increase their ethylene oxide usage after December 6, 2001, such that the chamber exhaust vents become subject to the emissions standards in § 63.362, immediately upon becoming subject to the emission standards.

(10) All chamber exhaust vents at sources using less than 10 tons that increase their ethylene oxide usage after December 6, 2001, such that the chamber exhaust vents become subject to the emissions standards in § 63.362(e)(1), immediately upon becoming subject to the emission standards.

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[FR Doc. 99-31354 Filed 12-2-99; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

**[AD-FRL-6500-1]**

**National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning**

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

**ACTION:** Final rule; amendments.

**SUMMARY:** This action promulgates amendments to the "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning" originally promulgated on December 2, 1994. These amendments to the rule were proposed on August 19, 1999. Today's action finalizes compliance options for continuous web cleaning machines, as well as amendments to the

national emission standards for hazardous air pollutants (NESHAP) that apply to steam-heated vapor cleaning machines and to cleaning machines used to clean transformers. The EPA is finalizing these amendments to ensure that all owners or operators of solvent cleaning machines have appropriate and attainable requirements for their cleaning machines.

**EFFECTIVE DATE:** December 3, 1999.

**ADDRESSES:** Interested parties may review items used to support these final rule amendments at: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-39, Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the standards, contact Mr. Paul Almodovar, Coatings and Consumer Products Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0283. For information regarding the applicability of this action to a particular entity, contact Ms. Acquanetta Delaney, Manufacturing Branch, Office of Compliance (2223A), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; telephone (202) 564-7061.

**SUPPLEMENTARY INFORMATION:**

**Docket**

The docket number for this rulemaking is A-92-39. The docket is an organized file of information compiled by the EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the docket contains the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act.)

**Regulated Entities**

The following entities are potentially regulated by this final rule.

Category	SIC Codes	Examples of potentially regulated entities
Industry .....	33, 34, 36, and 37 .....	Facilities engaging in cleaning operations using halogenated solvent cleaning machines.