

use available and applicable voluntary consensus standards.

Today's final rule involves technical standards. The EPA cites the following standards: EPA Methods 1, 1A, 2, 2A, 2C, 2D, 2F, 2G, 3, 3A, 3B, 4, 25A, 26, 26A, 311, and 320. Consistent with the NTTAA, EPA conducted searches to identify voluntary consensus standards in addition to these EPA method/performance specifications. No applicable voluntary consensus standards were identified for EPA Methods 1A, 2A, 2D, 2F, 2G, and 311. The search and review results have been documented and can be found in Docket No. OAR-2002-0088.

The voluntary consensus standard ASME PTC 19-10-1981-Part 10, "Flue and Exhaust Gas Analyses," is cited in the rule for its manual methods for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas. This part of ASME PTC 19-10-1981-Part 10 is an acceptable alternative to Method 3B.

Also, five voluntary consensus standards: ASTM D1979-91, ASTM D3432-89, ASTM D4747-87, ASTM D4827-93, and ASTM PS9-94 are incorporated by reference in EPA Method 311.

In addition to the voluntary consensus standards EPA cites in the rule, the search for emissions measurement procedures identified 13 other voluntary consensus standards. The EPA determined that ten of the 13 standards identified for measuring emissions of the HAP or surrogates subject to emission standards in the rule were impractical alternatives to EPA test methods for the purposes of the rule. Therefore, EPA does not intend to adopt these standards for this purpose. The reasons for this determination for the ten methods are discussed in the docket.

Two of the 12 voluntary consensus standards identified in this search were not available at the time the review was conducted for the purposes of the rule because they are under development by a voluntary consensus body: ASME/BSR MFC 13M, "Flow Measurement by Velocity Traverse," for EPA Method 2 (and possibly 1); and ASME/BSR MFC 12M, "Flow in Closed Conduits Using Multiport Averaging Pitot Primary Flowmeters," for EPA Method 2.

The voluntary consensus standard ASTM D6348-98, "Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform (FTIR) Spectroscopy," has been reviewed by the EPA as a potential alternative to EPA Method 320. Suggested revisions to ASTM D6348-98 were sent to ASTM by the EPA that would allow the EPA to accept ASTM

D6348-98 as an acceptable alternative. The ASTM Subcommittee D22-03 is currently undertaking a revision of ASTM D6348-98. Because of this, we are not citing this standard as a acceptable alternative for EPA Method 320 in the rule today. However, upon successful ASTM balloting and demonstration of technical equivalency with the EPA FTIR methods, the revised ASTM standard could be incorporated by reference for EPA regulatory applicability. In the interim, facilities have the option to request ASTM D6348-98 as an alternative test method under 40 CFR 63.7(f) and 63.8(f) on a case-by-case basis.

J. Congressional Review Act

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. The EPA will submit a report containing the 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 of the rule in the **Federal Register**. A major rule cannot take effect until June 16, 2003. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

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

Dated: February 28, 2003.

Christine Todd Whitman,
Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 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.*

■ 2. Part 63 is amended by adding subpart SSSSS to read as follows:

Subpart SSSSS—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

What This Subpart Covers
Sec.

63.9780 What is the purpose of this subpart?

63.9782 Am I subject to this subpart?

63.9784 What parts of my plant does this subpart cover?

63.9786 When do I have to comply with this subpart?

Emission Limitations and Work Practice Standards

63.9788 What emission limits, operating limits, and work practice standards must I meet?

63.9790 What are my options for meeting the emission limits?

General Compliance Requirements

63.9792 What are my general requirements for complying with this subpart?

63.9794 What do I need to know about operation, maintenance, and monitoring plans?

Testing and Initial Compliance Requirements

63.9796 By what date must I conduct performance tests?

63.9798 When must I conduct subsequent performance tests?

63.9800 How do I conduct performance tests and establish operating limits?

63.9802 How do I develop an emissions profile?

63.9804 What are my monitoring system installation, operation, and maintenance requirements?

63.9806 How do I demonstrate initial compliance with the emission limits, operating limits, and work practice standards?

Continuous Compliance Requirements

63.9808 How do I monitor and collect data to demonstrate continuous compliance?

63.9810 How do I demonstrate continuous compliance with the emission limits, operating limits, and work practice standards?

Notifications, Reports, and Records

63.9812 What notifications must I submit and when?

63.9814 What reports must I submit and when?

63.9816 What records must I keep?

63.9818 In what form and how long must I keep my records?

Other Requirements and Information

63.9820 What parts of the General Provisions apply to me?

63.9822 Who implements and enforces this subpart?

63.9824 What definitions apply to this subpart?

Tables to Subpart SSSSS of Part 63

Table 1 to Subpart SSSSS of Part 63—Emission Limits

Table 2 to Subpart SSSSS of Part 63—Operating Limits

Table 3 to Subpart SSSSS of Part 63—Work Practice Standards

Table 4 to Subpart SSSSS of Part 63—Requirements for Performance Tests

Table 5 to Subpart SSSSS of Part 63—Initial Compliance with Emission Limits