

Confidential Business Information or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, EPA West, Room B-102, 1301 Constitution Avenue, NW., Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. A reasonable fee may be charged for copying docket materials.

Electronic Docket Access. You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. Once in the system, select "search," then key in the appropriate docket identification number.

WorldWide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule will be available on the WWW. Following the Administrator's signature, a copy of the final rule will be posted at <http://www.epa.gov/ttn/oarpg> on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules. 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.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by March 2, 2004. Under section 307(d)(7)(B) of the CAA, only an objection to the rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements established by the final rule may not be challenged separately in

any civil or criminal proceedings brought by EPA to enforce these requirements.

Outline: The following outline is provided to aid in reading the preamble to the final rule:

- I. Background
 - A. What is the source of authority for development of NESHAP?
 - B. What criteria are used in the development of NESHAP?
 - C. What are the primary sources of emissions and what are the emissions?
 - D. What are the health effects associated with organic HAP emissions from the surface coating of metal parts and products?
- II. Summary of the Final Rule
 - A. What source categories and subcategories are affected by the final rule?
 - B. What is the relationship to other rules?
 - C. What is the affected source?
 - D. What are the emission limits, operating limits, and other standards?
 - E. What are the testing and initial compliance requirements?
 - F. What are the continuous compliance provisions?
 - G. What are the notification, recordkeeping, and reporting requirements?
- III. What are the significant differences from proposal?
 - A. Applicability
 - B. Scope of Category
 - C. Emission Limits
 - D. Method for Determining HAP Content
 - E. Deviations From Operating Parameters
 - F. New Alternatives to Facilitate Compliance with Multiple Coating NESHAP and Multiple Emission Limits
 - G. Initial and Continuous Compliance Demonstrations for Magnet Wire Sources
- IV. What are the responses to significant comments?
 - A. Applicability and Scope of Source Category
 - B. Need for Separate Source Category for Department of Defense Coatings
 - C. Overlap with Activities Subject to Other Surface Coating NESHAP
 - D. Complying with the Rule Representing the Majority of the Substrate (Plastic or Metal) on Pre-assembled Parts
 - E. Complying with the Most Stringent NESHAP
 - F. Assembled On-road Vehicle Coating
 - G. The MACT Floor Approach and Database
 - H. Compliance Options for Meeting the Emission Limits
 - I. Methods for Expressing Organic HAP Content of Coatings
 - J. High Performance Coatings
 - K. Compliance Requirements for Sources with Add-on Controls
 - L. Compliance Requirements for Magnet Wire Sources
- V. Summary of Environmental, Energy, and Economic Impacts
 - A. What are the air impacts?
 - B. What are the cost impacts?
 - C. What are the economic impacts?
 - D. What are the non-air health, environmental, and energy impacts?

- VI. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
 - G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
 - H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer and Advancement Act
 - J. Congressional Review Act

I. Background

A. What Is the Source of Authority for Development of NESHAP?

Section 112 of the CAA requires us to list categories and subcategories of major sources and area sources of HAP and to establish NESHAP for the listed source categories and subcategories. The Miscellaneous Metal Parts and Products (Surface Coating) category of major sources was listed on July 16, 1992 (57 FR 31576) under the Surface Coating Processes industry group. Major sources of HAP are those that emit or have the potential to emit considering controls equal to or greater than 9.1 megagrams per year (Mg/yr) (10 tons per year (tpy)) of any one HAP or 22.7 Mg/yr (25 tpy) of any combination of HAP.

B. What Criteria Are Used in the Development of NESHAP?

Section 112(c)(2) of the CAA requires that we establish NESHAP for the control of HAP from both new and existing major sources, based upon the criteria set out in section 112(d). The CAA requires the NESHAP to reflect the maximum degree of reduction in emissions of HAP that is achievable, taking into consideration the cost of achieving the emission reduction, any non-air quality health and environmental impacts, and energy requirements. This level of control is commonly referred to as MACT.

The MACT floor is the minimum control level allowed for NESHAP and is defined under section 112(d)(3) of the CAA. In essence, the MACT floor ensures that the standard is set at a level that assures that all major sources achieve the level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is