

changes are summarized in the following sections. A more detailed summary of these comments as well as other comments received along with our responses can be found in the BID for the final rule which is available from several sources (see **ADDRESSES**).

A. Overlap with Other NESHAP Source Categories

Two commenters requested that the final rule provide compliance flexibility for facilities that coat a variety of items in addition to metal furniture and metal furniture components. Such facilities may be affected by several surface coating NESHAP, such as the existing standards for wood furniture, the proposed standards for miscellaneous metal parts and products (67 FR 52780, August 13, 2002), and the proposed standards for plastic parts and products (67 FR 72276, December 4, 2002). The commenters sought a regulatory approach that would allow facilities to opt specific coating operations or product lines that are collocated with metal furniture surface coating operations out of the rule and into one of the other surface coating NESHAP.

Another commenter believed that the proposed rule did not adequately address all the possible overlap issues between the metal furniture and wood furniture surface coating NESHAP, particularly when a furniture item consists of both metal and wood components.

We understand that it could be beneficial to consolidate regulatory requirements at facilities where coating operations belonging to different source categories (such as metal furniture, miscellaneous metal parts and products, and plastic parts and products) are collocated. Consolidation may reduce the amount of records, reports, or compliance calculations that the facility would have to maintain. Some commenters suggested that the final rule include a compliance option that would allow this consolidation of different regulatory requirements within a facility. Section 112(d)(2) of the CAA states that all major sources within a regulated source category must meet the maximum degree of emission reduction that we determine to be achievable. We do not believe that the commenters' recommendation of allowing a facility to choose which coating operations to opt into, or out of, a particular NESHAP would ensure that the MACT level of control was met for all HAP emission points within each source category. Therefore, to comply with these CAA requirements, we have not included the compliance option suggested by the commenters in the final rule.

We recognize that there is not always a clear dividing line between the affected sources of the surface coating rules. This is evident in the furniture manufacturing industry, where both metal and wood furniture may be produced in the same facility, and many pieces of furniture contain substantial portions of metal and wood. For those commenters concerned with lack of clarity between the applicability of the metal furniture rule and other surface coating rules, in particular the wood furniture surface coating rule (40 CFR part 63, subpart JJ), we are providing clarification through the following examples.

Example 1. Coating operations at facilities currently subject to the wood furniture rule (40 CFR part 63, subpart JJ) would continue to be subject to that rule. This would be the case even if the items coated contained metal components, as long as the items meet the definition of wood furniture or wood furniture component in § 63.801(a) of 40 CFR part 63, subpart JJ.

Example 2. Coating operations at facilities that coat metal furniture (as defined in § 63.4881(a)(2) of the final rule) constructed either entirely or partially from metal (but not qualifying as wood furniture components under subpart JJ) would be subject to the metal furniture rule.

Example 3. Facilities that coat only metal furniture components such as knobs, hinges, and screws (that is, components that are of a more generic nature and could have broader uses in products other than metal furniture) and provide these components exclusively to metal furniture manufacturing facilities would be subject to the metal furniture rule.

Example 4. The applicability of the surface coating rules when the item coated is composed of both metal and wood components in approximately equivalent percentages will depend primarily on the functionality of the entire unit. A common example of such an item is a commercial shelving unit constructed of a metal base and wood backing. For reasons related to structural rigidity or overall stability, the functionality of this particular shelving unit depends more on the metal components than the wood components. The surface coating of this shelving unit would be regulated under the metal furniture rule. Thus, the surface coating of all components of this shelving unit, regardless of whether they are made of metal or wood, would be regulated under the metal furniture rule, so long as the facility is a metal furniture manufacturing facility. This would be true even if the metal

furniture manufacturing facility dedicated a coating line exclusively to the coating of the wood components.

Example 5. Coating operations such as those presented in Example 4 may not involve items that can be readily classified according to functionality. For these situations, the applicability determination would be made on a case-by-case basis taking into account functionality and other relevant factors. These factors may include the primary North American Industrial Classification System (NAICS) code for the facility, amount of surface area coated for each type of substrate, and how the coating operations have been classified for other surface coating rules (such as new source performance standards (NSPS) and State rules).

The examples we have provided here are necessarily simplistic in nature compared to many of the situations encountered in the metal furniture manufacturing industry and are intended only to provide guidance. Even so, the examples demonstrate the complex applicability issues related to this rule and why precisely defining applicability among the surface coating rules has proved to be a challenge. While we realize that many of the situations encountered in the metal furniture manufacturing industry can be far more complicated than presented here, discussion of these more complex situations is beyond the scope of this preamble. For these reasons, we intend to provide additional guidance documents in the future that will specifically address some of the more complex applicability issues. In order to address the specific concerns raised by the metal furniture industry, we are planning to involve all interested stakeholders in the development of these guidance documents. We will announce at a future date how stakeholders may become involved in this effort.

B. MACT Floors and Emission Limits

The database we used to determine the MACT floors for new and existing sources consisted of 49 facilities that responded to our questionnaires. Of these 49 facilities, 22 provided complete data such that we could calculate an emission rate for all of the metal furniture surface coating operations in terms of kilograms (kg) organic HAP per liter coating solids used. Of the 27 remaining facilities, we believed we had enough data to estimate that, had all of the requested data been provided, their emission rates would have fallen within the range represented by the facilities for which we had complete data. Therefore, we based the existing source