

collection requirements contained in this proposal.

#### *H. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113; 15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (such as material specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when an agency does not use available and applicable voluntary consensus standards.

The proposed rule involves technical standards. The EPA proposes to use EPA Methods 1, 2, 2F, 2G, 3, 3A, 3B, 4, 5, 5D, 26, 26A, and 210 in 40 CFR part 60, appendix A. We conducted searches to identify voluntary consensus standards in addition to these EPA methods. No applicable voluntary consensus standards were identified for EPA Methods 2F, 2G, 5D, 26, 26A and 201. The search and review results have been documented and placed in Docket OAR–2002–0043.

The EPA invites comment on the compliance demonstration requirements in the proposed rule and specifically invites the public to identify potentially-applicable voluntary consensus standards. Commenters should also explain why the proposed rule should adopt these voluntary consensus standards in lieu of or in addition to EPA's standards. Emission test methods and performance specifications submitted for evaluation should be accompanied with a basis for the recommendation, including method validation data.

#### *I. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

The proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

#### **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: November 26, 2002.

**Christine Todd Whitman,**  
*Administrator.*

For the reasons stated in the preamble, title 40, chapter I, part 63, of the Code of the Federal Regulations is proposed to be 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 TTTTT to read as follows:

#### **Subpart TTTTT—National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining**

Sec.

##### **What This Subpart Covers**

- 63.9880 What is the purpose of this subpart?
- 63.9881 Am I subject to this subpart?
- 63.9882 What parts of my plant does this subpart cover?
- 63.9883 When do I have to comply with this subpart?

##### **Emission Limitations**

- 63.9890 What emission limitations must I meet?
- 63.9891 What work practice standards must I meet for my fugitive dust sources?

##### **Operation and Maintenance Requirements**

- 63.9900 What are my operation and maintenance requirements?

##### **General Compliance Requirements**

- 63.9910 What are my general requirements for complying with this subpart?

##### **Initial Compliance Requirements**

- 63.9911 By what date must I conduct performance tests or other initial compliance demonstrations?
- 63.9912 When must I conduct subsequent performance tests?
- 63.9913 What test methods and other procedures must I use to demonstrate initial compliance with the emission limits for particulate matter and PM<sub>10</sub>?
- 63.9914 What test methods and other procedures must I use to demonstrate initial compliance with chlorine and hydrochloric acid emission limits?
- 63.9915 What test methods and other procedures must I use to demonstrate initial compliance with dioxin/furan limits?
- 63.9916 What test methods and other procedures must I use to establish and demonstrate initial compliance with the operating limits?
- 63.9917 How do I demonstrate initial compliance with the emission limitations that apply to me?
- 63.9918 How do I demonstrate initial compliance with the operation and maintenance requirements that apply to me?

#### **Continuous Compliance Requirements**

- 63.9920 What are my continuous monitoring requirements?
- 63.9921 What are the installation, operation, and maintenance requirements for my monitors?
- 63.9922 How do I monitor and collect data to demonstrate continuous compliance?
- 63.9923 How do I demonstrate continuous compliance with the emission limitations that apply to me?
- 63.9924 How do I demonstrate continuous compliance with the operation and maintenance requirements that apply to me?
- 63.9925 What other requirements must I meet to demonstrate continuous compliance?

#### **Notifications, Reports, and Records**

- 63.9930 What notifications must I submit and when?
- 63.9931 What reports must I submit and when?
- 63.9932 What records must I keep?
- 63.9933 In what form and how long must I keep my records?

#### **Other Requirements and Information**

- 63.9940 What parts of the General Provisions apply to me?
- 63.9941 Who implements and enforces this subpart?
- 63.9942 What definitions apply to this subpart?

#### **Tables to Subpart TTTTT of Part 63**

- Table 1 to Subpart TTTTT of Part 63—Emission Limitations
- Table 2 to Subpart TTTTT of Part 63—Toxic Equivalency Factors
- Table 3 to Subpart TTTTT of Part 63—Initial Compliance with Emission Limits
- Table 4 to Subpart TTTTT of Part 63—Continuous Compliance with Emission Limits
- Table 5 to Subpart TTTTT of Part 63—Applicability of General Provisions to Subpart TTTTT of Part 63

#### **Subpart TTTTT—National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining**

##### **What This Subpart Covers**

##### **§ 63.9880 What is the purpose of this subpart?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) emitted from primary magnesium refineries. This subpart also establishes requirements to demonstrate initial and continuous compliance with all applicable emission limitations and operation and maintenance requirements.

##### **§ 63.9881 Am I subject to this subpart?**

You are subject to this subpart if you own or operate a primary magnesium refinery that is (or is part of) a major