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WorldWide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule will also be available on the WWW. Following the Administrator's signature, a copy of the final rule will be posted at 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 filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by January 12, 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 that are the subject of today's final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce the requirements.

Outline. The information presented in this preamble is organized as follows:

- 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 HAP Emissions From the Surface Coating of Metal Cans?
- II. Summary of the Final Rule
 - A. What Source Categories and Subcategories Are Affected by the Final Rule?
 - B. What Is the Affected Source?
 - C. What Are the Emission Limits, Operating Limits, and Other Standards?
 - D. What Are the Testing and Initial Compliance Requirements?
 - E. What Are the Continuous Compliance Provisions?
 - F. What Are the Notification, Recordkeeping, and Reporting Requirements?
- III. What Are the Significant Comments and Changes Since Proposal?
 - A. End Coatings—Repair Spray Coatings
 - B. Affected Source Clarification

- C. Monitoring, Recordkeeping, and Reporting Costs
- D. Performance Test Costs
- E. Calculation of Organic HAP Emission Reduction
- IV. 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?
 - E. Potential Changes to the Impacts
- V. 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 & 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 metal can (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 Mg/yr (10 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 on 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 the 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 standards are set at a level that ensures 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 achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than standards for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources).

In developing the final NESHAP, we considered control options that are more stringent than the floor, taking into consideration the cost of achieving the emission reduction, any non-air quality health and environmental impacts, and energy requirements. In the final rule, EPA is promulgating standards for both existing and new sources consistent with these statutory requirements.

C. What Are the Primary Sources of Emissions and What Are the Emissions?

The primary emission sources in metal can surface coating operations are coating application lines, drying and curing ovens, mixing and thinning areas, and equipment cleaning. Coating application lines and drying and curing ovens are the largest sources of HAP emissions. Recent reformulation efforts involving the primary coatings used in metal can surface coating operations are likely to continue as a result of the final rule and will serve to reduce HAP emissions from these sources. Mixing and thinning areas and equipment cleaning are smaller HAP emission sources, and work practice standards are used to limit the HAP emissions from these sources.

Available emission data collected during the development of the NESHAP show that the primary organic HAP emitted from metal can coating operations include EGBE and other glycol ethers, xylenes, hexane, MEK, and MIBK. Other significant organic HAP identified include isophorone, ethyl benzene, toluene, cumene, naphthalene, and formaldehyde. Organic HAP emissions are regulated by the final metal can surface coating rule.