

coating solids. Currently, EPA Method 24 does not have a procedure for determining the volume of solids in coatings. Those VCS augment the procedures in Method 24, which currently states that volume solids content be calculated from the coating manufacturer's formulation.

Six VCS: ASTM D1475–90, ASTM D2369–95, ASTM D3792–91, ASTM D4017–96a, ASTM D4457–85 (Reapproved 91), and ASTM D5403–93 are already incorporated by reference (IBR) in EPA Method 24. Five VCS: ASTM D1979–91, ASTM D3432–89, ASTM D4747–87, ASTM D4827–93, and ASTM PS9–94 are IBR in EPA Method 311.

In addition to the VCS the EPA uses in the final rule, the search for emissions measurement procedures identified 14 other VCS. The EPA determined that 11 of the 14 VCS identified for measuring emissions of the HAP or surrogates subject to emission standards in the final rule were impractical alternatives to EPA test methods for the purposes of the final rule. Therefore, EPA does not intend to adopt those VCS for that purpose. (See Docket No. OAR–2003–0005, formerly Docket No. A–98–41, for further information on the methods.)

Three of the 14 VCS identified in the search were not available at the time the review was conducted for the purposes of the final rule because they are under development by a VCS body: ASME/BSR MFC 13M, “Flow Measurement by Velocity Traverse,” for EPA Method 2 (and possibly 1); ASME/BSR MFC 12M, “Flow in Closed Conduits Using Multiport Averaging Pitot Primary Flowmeters,” for EPA Method 2; and ISO/CD 17895, “Paints and Varnishes—Determination of the Volatile Organic Compound Content of Water-based Emulsion Paints,” for EPA Method 24.

Listed in §§ 63.3521, 63.3531, 63.3541, 63.3543, 63.3544, 63.3545, 63.3551, 63.3553, 63.3554, and 63.3555 of the final rule are the EPA testing methods. Under 40 CFR 63.7(f) and 63.8(f) of subpart A of the General Provisions, a source may apply to EPA for permission to use alternative test methods or alternative monitoring requirements in place of any of the EPA testing methods, performance specifications, or procedures.

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 final 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 final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. § 804(2). The final rule will be effective November 13, 2003.

List of Subjects in 40 CFR Part 63

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

Dated: August 14, 2003.

Marianne Lamont Horinko,

Acting 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. Section 63.14 is amended by revising paragraphs (b)(24) and (25) and (i)(3) to read as follows:

§ 63.14 Incorporations by reference.

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(b) * * *

(24) ASTM D2697–86 (Reapproved 1998), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,” IBR approved for §§ 63.3521(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093–97, “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,” IBR approved for §§ 63.3521(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

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(3) ANSI/ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],” IBR approved for §§ 63.865(b), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3),

63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), and 69.9323(a)(3).

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■ 3. Part 63 is amended by adding subpart KKKK to read as follows:

Subpart KKKK—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans

What This Subpart Covers

Sec.

63.3480 What is the purpose of this subpart?

63.3481 Am I subject to this subpart?

63.3482 What parts of my plant does this subpart cover?

63.3483 When do I have to comply with this subpart?

Emission Limitations

63.3490 What emission limits must I meet?

63.3491 What are my options for meeting the emission limits?

63.3492 What operating limits must I meet?

63.3493 What work practice standards must I meet?

General Compliance Requirements

63.3500 What are my general requirements for complying with this subpart?

63.3501 What parts of the General Provisions apply to me?

Notifications, Reports, and Records

63.3510 What notifications must I submit?

63.3511 What reports must I submit?

63.3512 What records must I keep?

63.3513 In what form and for how long must I keep my records?

Compliance Requirements for the Compliant Material Option

63.3520 By what date must I conduct the initial compliance demonstration?

63.3521 How do I demonstrate initial compliance with the emission limitations?

63.3522 How do I demonstrate continuous compliance with the emission limitations?

Compliance Requirements for the Emission Rate Without Add-On Controls Option

63.3530 By what date must I conduct the initial compliance demonstration?

63.3531 How do I demonstrate initial compliance with the emission limitations?

63.3532 How do I demonstrate continuous compliance with the emission limitations?

Compliance Requirements for the Emission Rate With Add-On Controls Option

63.3540 By what date must I conduct performance tests and other initial compliance demonstrations?

63.3541 How do I demonstrate initial compliance?

63.3542 How do I demonstrate continuous compliance with the emission limitations?

63.3543 What are the general requirements for performance tests?

63.3544 How do I determine the emission capture system efficiency?