

3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Standards of Performance of Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI), Air Oxidation Unit Processes; and Distillation Operations OMB Control Number 2060-0197, expiration date 12/31/99. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before November 19, 1999.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer at EPA by phone at (202) 260-2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 0998.06.

**SUPPLEMENTARY INFORMATION:**

*Title:* Standards of Performance of Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI), Air Oxidation Unit Processes, Subpart III, and Distillation Operations, Subpart NNN; OMB Control No. 2060-0197; EPA ICR No. 0998.06, expiration 12/31/99. This is a request for an extension of a currently approved collection.

*Abstract:* This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR 60.610, subpart III, Standards of Performance for VOC Emissions from SOCMI Air Oxidation Unit Processes and 40 CFR 60.660, subpart NNN, Standards of Performance for VOC from SOCMI Distillation Operations. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied. The standards require periodic recordkeeping to document process information relating to the sources' ability to meet the requirements of the standard and to note the operation conditions under which compliance was achieved.

In the Administrator's judgment, VOC emissions from SOCMI air oxidation unit processes and distillation operations cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NSPS were promulgated for this source category. Owners or operators of the affected facilities described must make the

following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of the date of the initial performance test; and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports and records are required, in general, of all sources subject to NSPS.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 06/04/99 (64 FR 30011); no comments were received.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 50 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Owners/Operators of the Synthetic Organic Chemical Manufacturing Industry

*Estimated No. of Respondents:* 2,767  
*Frequency of Response:* Semiannual  
*Estimated Total Annual Hour Burden:* 278,687 hours.

*Estimated Total Annualized Capital, O&M Cost Burden:*

Send comments on the Agency's need for this information, the accuracy of the

provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0998.06 and OMB Control No. 2060-0197 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: October 13, 1999.

**Joseph Retzer,**

*Director, Regulatory Information Division.*

[FR Doc. 99-27390 Filed 10-19-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[Docket No. A-99-31; FRL-6459-3]

### List of Source Categories

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of receipt of a complete petition.

**SUMMARY:** This notice announces that EPA has created a two-piece beer and beverage can coating (two-piece can) subcategory within the Metal Can (Surface Coating) source category. This notice also announces the receipt of a complete petition from the Can Manufacturers' Institute (CMI) requesting EPA to remove the two-piece can subcategory from the List of Source Categories (Source Category List). The Source Category List was developed pursuant to section 112(c)(1) of the Amendments to the 1990 Clean Air Act (Act) and published in the **Federal Register** on July 16, 1992 (57 FR 31576).

We have determined that the original petition submittal by CMI, dated November 4, 1996, plus the supplemental materials provided by CMI through April 21, 1999, will support an assessment of the human health impacts associated with hazardous air pollutant (HAP) emissions from two-piece can coating operations. In addition, the data submitted by CMI will support an assessment of the environmental impacts associated with HAP emissions from the two-piece can coating subcategory. Consequently, we have concluded that CMI's petition is complete as of April 21, 1999, the date

of the last supplement, and is ready for public comment and the technical review phase of our delist petition evaluation process.

This notice invites the public to provide additional information, beyond that filed in the petition, on sources, emissions, exposure, health effects and environmental impacts associated with HAP emissions from two-piece can coating operations that may be relevant to our technical review.

**DATES:** Comments and additional data will be accepted if received on or before November 19, 1999.

**ADDRESSES:** *Documents.* A copy of the complete petition is contained in a docket available at the Air and Radiation Docket and Information Office, 401 M Street SW, Room M-1500 (6102), Waterside Mall, Washington, DC 20460. The docket number for this action is A-99-31. You may inspect the petition and copy it for offsite review between 8:30 a.m. and 5:30 p.m. EST, Monday through Friday. A reasonable fee may be charged for copying.

*Comments and Data Submissions.* Comments and additional data should be submitted (in duplicate if possible) to: The Docket Clerk, Air and Radiation Docket and Information Office, 401 M Street SW, Room M-1500 (Mail Code 6102), Waterside Mall, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Kelly Rimer, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-2962, electronic mail address: rimer.kelly@epa.gov.

## I. Introduction

### A. What Are Hazardous Air Pollutants?

Hazardous air pollutants include a wide variety of organic and inorganic substances released from large and small industrial operations, fossil fuel combustion, gasoline and diesel-powered vehicles, and many other sources. The HAPs have been associated with a wide variety of adverse health effects, including cancer, neurological effects, reproductive effects, and developmental effects. The health effects associated with the various HAPs may differ depending upon the toxicity of the individual HAP and the particular circumstances of exposure, such as the amount of chemical present, the length of time a person is exposed, and the stage in life of the person when the exposure occurs. The list of HAPs can be found in section 112(b)(1) of the Act. The HAPs list provides the basis for research, regulation, and other related

EPA activities under section 112 of the Act.

### B. What Is the Source Category List?

Section 112(c) of the Act requires the EPA to publish a list of all categories and subcategories of major and area sources of HAPs which will be subject to regulation. A "major source" is any stationary source (including all emission points and units located within a contiguous area and under common control) of air pollution that has the potential to emit, considering controls, 10 tons or more per year of any HAP, or 25 or more tons per year of any combinations of HAPs. An "area source" is a stationary source that emits HAPs in amounts less than 10 or 25 tons per year. For an area source category to be listed, the EPA must determine that the source category presents a threat to human health or to the environment. Under section 112(d), the Act requires EPA to establish national emission standards for source categories based on maximum achievable control technology (MACT) for major source categories and to set either MACT or generally available control technology (GACT) standards for area source categories.

The EPA published the initial Source Category List in the **Federal Register** on July 16, 1992 (57 FR 31576); you can find the most recent update to the Source Category List in the February 12, 1998 **Federal Register** (63 FR 7155).

### C. What Is a Source Category Delist Petition?

A source category delist petition is a formal request to the EPA from an individual or group to remove a specific source category from the Source Category List. The removal of a source category from the list eliminates it from consideration in EPA's program to promulgate MACT standards.

Any group or person may petition the EPA to delete a source category from the Source Category List. The Administrator must grant or deny a petition within 12 months of receiving a complete petition.

Section 112(c)(9)(B) provides that the Administrator may delete a source category from the Source Category List if she determines that no source in the category:

1. Emits carcinogens in amounts that may result in a lifetime risk of cancer exceeding one in a million to the individual most exposed;
2. Emits noncarcinogens in amounts that exceed an ample margin of safety to protect the public health; and
3. Emits HAPs in amounts that will result in adverse environmental effects.

The EPA will not grant a petition to delete a source category or subcategory from the Source Category List pursuant to section 112(c)(9)(B) unless EPA makes an initial determination that each of the statutory criteria appear to be met for each HAP emitted by each individual source within the category or subcategory.

### D. What Is a Subcategory?

A subcategory is a group of similar sources within a given source category. As part of the regulatory development process, EPA evaluates the similarities and differences between industry segments or groups of facilities comprising a source category. Different source categories may be evaluated and subcategorized in different ways.

In establishing subcategories, EPA considers factors such as process operations (type of process, raw materials, chemistry/formulation data, associated equipment, and final products); emission characteristics (amount and type of HAP); control device applicability; and opportunities for pollution prevention. The EPA may also look at existing regulations or guidance from States and other regulatory agencies in determining subcategories.

The Act does not expressly establish a process for deletion of a subcategory from the Source Category List. However, EPA construes the Act to permit petitions to delete a specified subcategory in those instances where EPA has previously created such a subcategory within the applicable source category.

### E. How Does EPA Review a Petition To Delist a Source Category or Subcategory?

The petition review process proceeds in two phases: a completeness determination and a technical review. During the completeness determination, we conduct a broad review of the petition to determine whether or not all the necessary subject areas are addressed and whether reasonable information and analyses are presented for each of these subject areas. Once the petition is determined to be complete, we place a notice of receipt of a complete petition in the **Federal Register** and commence the technical review phase of our decision-making process.

That **Federal Register** notice announcing receipt of a complete petition also announces a public comment period on the petition. The technical review involves a more thorough scientific review of the data, to determine whether the data,

analyses, interpretations, and conclusions in the petition are appropriate and technically sound. The technical review will also determine whether or not the petition appears to satisfy the necessary requirements of section 112(c)(9)(B) and to provide adequate support for a decision to delist the source category or subcategory. All comments and data submitted during the public comment period are considered during the technical review.

The Agency considers the following information relevant to the evaluation of any petition:

1. Identification of sources included in the source category;
2. Estimation of emissions from identified sources;
3. Estimation of ambient levels, either modeled or measured, of the emitted HAPs;
4. Assessment of the toxicity of chemicals being released; and
5. Evaluation of the impact to humans, plants, and animals from such emissions (e.g., cancer, noncancer effects, ecological effects).

#### *F. How Is the Decision To Delist a Source Category or Sub-Category Made?*

The decision to either grant or deny a petition to delist a category or subcategory is made after a comprehensive technical review of both the petition and the information received from the public to determine whether the petition appears to satisfy the requirements of section 112(c)(9)(B) of the Act.

The EPA may modify the Source Category List without rulemaking in instances where we conclude that a category or subcategory did not originally meet or no longer meets the quantitative emission criteria for inclusion on the list. However, in instances where we delete a category or subcategory based on the risk criteria set forth in section 112(c)(9)(B), we have determined that it is appropriate to utilize rulemaking procedures. Thus, if the Administrator decides to grant a petition to delist a category or subcategory under this provision, EPA will publish a notice of proposed rulemaking in the **Federal Register**. That notice will propose to remove the source category or subcategory from the Source Category List and present the reasoning for doing so.

However, if the Administrator decides to deny a petition under section 112(c)(9)(B), an explanation of the reasons for denial will be published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability and is subject to

judicial review as provided in section 307(b) of the Act.

## **II. Decision To Subcategorize**

On November 4, 1996, we received a request from CMI to create a two-piece beer and beverage can subcategory within the Metal Can (Surface Coating) source category. We reviewed the request to subcategorize and conducted our own analysis of existing metal can manufacturing and surface coating operations. Based on the information presented by CMI and on our analysis of the source category, we determined that designating two-piece beer and beverage cans as a subcategory was appropriate under the authority described below and for the following reasons.

In general, we make the decision to establish subcategories within a source category as part of the process of developing a MACT standard applicable to that category. In establishing subcategories, we typically consider factors such as process operations, emission characteristics, control device applicability, and opportunities for pollution prevention. For the two-piece aluminum beer and beverage can subcategory of the metal can industry, the distinction is based primarily on differences in the process operations (e.g., types of coatings, inks and solvents used); associated process equipment; and process configurations (e.g., overall process line size and facility layout).

A two-piece beer and beverage can subcategory is consistent with existing new source performance standards and control technology guideline approaches. Subpart WW of 40 CFR part 63 addresses volatile organic compound emissions (many of which are also listed as HAP) and is specifically titled: "Standards of Performance for the Beverage Can Surface Coating Industry" and defines beverage can as "any two-piece steel or aluminum container in which soft drinks or beer, including malt liquor, are packaged" and two-piece can as "any beverage can that consists of a body manufactured from a single piece of steel and aluminum."

Metal can surface coating operations are differentiated by the type of product(s) stored inside the can which determine the types of coatings applied to the interior/exterior surfaces of the can. The manufacturing and coating processes equipment configuration within the metal can industry segments are different in terms of configuration, size, and complexity than other types of can manufacturing. None of the 61 two-piece beverage can facilities located in the U.S. produce other types of cans. There are six facilities that have an

"ends" (e.g., can tops with push/pull tab) line as part of the on-site manufacturing operations, and there are three "ends" only facilities that produce ends for two-piece beer and beverage cans. Can "ends" are not included in this subcategory and will be addressed separately.

Our analysis of existing metal can manufacturing and surface coating operations resulted in the decision to establish a subcategory for two-piece aluminum beer and beverage cans. This subcategory includes all coating; cleaning; and associated (i.e., storage, mixing, transfer, handling, surface preparation (can washers), and wastewater) operations related to can bodies, except ends.

As provided by section 112(e)(4), our decision to create the specified subcategory is not a final Agency action and as such is not reviewable at this time. The decision to create the specified subcategory will be final and subject to review only at such time as we decide to delete the subcategory or when we promulgate a MACT standard applicable to the subcategory. In the event that we decide to deny the present petition to delist this subcategory, we may reconsider our decision on subcategorization during subsequent development of a MACT standard for the Metal Can (surface coating) category.

## **III. Completeness Determination and Request for Public Comment**

On November 4, 1996, the CMI submitted a petition to remove the two-piece can subcategory from the Source Category List. The EPA reviewed the initial petition to delete the subcategory and determined that additional information was needed on several of the HAPs emitted by this subcategory in order for the petition to be complete. The petitioner submitted additional documents from 1997 through April 1999 to address the information gaps.

After reviewing all of the supplemental information, we determined that the essential subject areas had been addressed, and that the petition is complete and ready for technical review. The EPA has therefore determined that the petition was complete as of the date of the last supplemental submission on April 21, 1999. The EPA must act to grant or deny this petition within 12 months from that date. The EPA has begun its comprehensive technical review of the CMI petition. We invite interested members of the public to submit any additional information which may be relevant to our analysis of whether the statutory criteria for delisting are met.

**IV. Description of the Petition**

The complete petition provided by CMI contains the following information:

A. Identification of 16 HAPs emitted from the two-piece can subcategory

(Table 1). The petition provides more detailed information and analysis on ethylene glycol butyl ether (EGBE) and formaldehyde than on the other HAPs. The petitioner provides more data on

EGBE due to the fact that it is the HAP emitted in highest quantities, and more on formaldehyde because it is a probable human carcinogen emitted in moderate quantities.

TABLE 1.—IDENTIFICATION OF HAPS

HAP	Chemical abstract service registry No. (CASRN)
Ethylene glycol monobutyl ether (EGBE)	111-76-2
Formaldehyde	50-00-0
Diethylene glycol butyl ether (DGBE)	112-34-5
Diethylene glycol ethyl ether (DGEE)	111-90-0
Diethylene glycol hexyl ether (DGHE)	112-59-4
Ethylene glycol hexyl ether (EGHE)	112-25-4
Benzene	71-43-2
Ethyl benzene	100-41-4
Ethylene oxide	75-21-8
Hydrogen fluoride	7664-39-3
Methanol	67-56-1
Methyl isobutyl ketone	108-10-1
Propylene oxide	75-56-9
Styrene	100-42-5
Toluene	108-88-3
Xylenes	1330-20-7

B. For each HAP, the petitioner provides summaries of and references for qualitative and quantitative human health effects information based on data from EPA, the State of California and from industry. For EGBE and formaldehyde, CMI presents analyses of human health effects studies.

C. The petition includes emissions estimates for all HAPs listed in Table 1 and identifies the route of exposure of potential concern as being air. To assess maximum off-site air concentrations of HAPs, CMI uses a tiered modeling approach described in a 1992 EPA document, "A Tiered Approach for Assessing Risks due to Emissions of Hazardous Air Pollutants" (EPA-450/4-92-001). Tiered modeling involves the use of successive modeling techniques to move from conservative "worst case" estimates of the ambient concentrations of a substance emitted from a source toward more realistic site specific estimates of the ambient concentrations.

D. For all identified HAPs, the petitioner provides numerical estimates of risks to humans.

E. The CMI's ecological assessment addresses whether HAP emissions are likely to result in adverse environmental effects. The analysis and discussion consider emission levels, atmospheric fate, biodegradation and bioconcentration, and conclude that all HAP emissions from this subcategory are unlikely to have an adverse effect on aquatic biota, terrestrial wildlife, or other natural resources. To support this

position, the petitioner uses as its principle source of information the EPA's Hazardous Substances Database. For EGBE, CMI provides additional information; an ecological analysis for EGBE which was also submitted to the Agency under the petition to remove EGBE from the HAP list. The petitioner combines that analysis with a discussion of potential adverse impacts of EGBE from two-piece can operations and finds that adverse environmental effects are unlikely to occur as a result of EGBE emissions from the subcategory.

F. The petition includes an uncertainty analysis which considers emissions projections, emissions modeling, exposure analysis, mixtures and co-location of facilities.

The petition states that the data and parameters employed in each step of risk assessment embody some degree of uncertainty that could affect the conclusions drawn. The petitioner has attempted to reduce the likelihood of underestimation by using upper bound estimates, parameters and assumptions which result in maximum exposure estimates that do not exceed a health-based exposure limit for any emitted HAP. To further reduce the likelihood of underestimating risks, the petition considers additivity by summing the potential impacts of all of the emitted noncarcinogens and by summing potential impacts of all emitted carcinogens.

Dated: October 8, 1999.

**Robert Perciasepe,**  
Assistant Administrator for Air and Radiation.

[FR Doc. 99-27142 Filed 10-19-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6460-8]

**Adequacy Status of Lake and Porter Counties, Indiana Submitted Ozone Attainment Demonstration for Transportation Conformity Purposes**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy.

**SUMMARY:** In this document, EPA is notifying the public that EPA has found that the Lake and Porter Counties, Indiana ozone attainment demonstration does not contain adequate mobile source emission budgets. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. Since the April 30, 1998, submittal does not contain adequate budgets, this attainment demonstration can not be used for future conformity determinations.

**FOR FURTHER INFORMATION CONTACT:** The finding and the response to comments