schedule for major and area sources of hazardous air pollutants.

SUMMARY: This notice proposes a revision to the initial list of categories of sources of hazardous air pollutants (HAP), published on July 16, 1992, and the schedule for promulgation of emission standards, published on December 3, 1993. The Agency is obligated to, "from time to time, but no less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources. . .".

Today's proposal would, if made final, remove an area source category (asbestos processing) that was listed on July 16, 1992. The proposal to remove (delist) the asbestos processing source category is based on information obtained during the initial stage of standards development for this source category. These data conclusively show that asbestos emissions from specific plants that were the basis for the initial listing are significantly lower than previously estimated. As a result, the Agency believes that no source in the category emits asbestos in quantities which may cause a lifetime risk of cancer greater than one in one million in the individual most exposed to such emissions and that the previous determination that asbestos emissions from these plants pose a threat of adverse health effects appears to be no longer supportable.

Through this notice, EPA solicits comments on this proposed decision. **DATES:** *Comments.* Written comments must be received on or before February 23, 1995.

ADDRESSES: Interested parties may submit written comments (in duplicate) to Public Docket No. A–94–69, at the following address: U. S. Environmental Protection Agency, Air Docket Section, Waterside Mall, Room 1500, 401 M Street, S.W., Washington, D.C., 20460. The Agency requests that a separate copy also be sent to the contact person listed below.

Docket. Docket No. A–94–69, containing supporting information used in developing this notice, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the Agency's Air Docket, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning specific aspects of this proposal, contact Susan Fairchild-Zapata, Minerals and Inorganic Chemicals Group, Emission

Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541–5167.

## SUPPLEMENTARY INFORMATION:

## I. Background

The Clean Air Act Amendments of 1990 (Pub. L. 101-549) amended the Clean Air Act (the Act) to require, under section 112, that the Agency list and promulgate regulations requiring control of emissions of HAPs from categories of major and area sources. Section 112(c)(1) requires the Administrator to publish, and from time to time revise, if appropriate, in response to comments or new information, a list of all categories and subcategories of major and area sources of HAPs. Section 112(c)(3) requires that the Administrator list any area source category (one for which each source emits less than 10 tons/year of any one HAP and less than 25 tons per year of all HAPs) that the Administrator finds poses a threat of adverse health effects to human health. Pursuant to the various specific listing requirements in section 112(c), the Agency published on July 16, 1992 (57 FR 31590) a finding of adverse effects for the source category of asbestos processing and therefore included that source category on the list of source categories that would be thenceforth subject to emission standards. Following this listing, pursuant to requirements in section 112(e), the Agency on December 3, 1993 (58 FR 63941) published a schedule for the promulgation of emission standards for each of the 174 listed source categories. The reader is directed to these two notices for information related to development of the initial list and schedule.

Subsequent to publication of the initial list and schedule, several notices have revised the list and schedule in the context of actions related to individual source categories. For example, on November 12, 1993 (58 FR 60021), the Agency listed marine vessel loading operations as a category of major sources, with standards to be promulgated, pursuant to section 112(c)(5) by the year 2000. As another example, on September 8, 1994 (59 FR 46339), the Agency promulgated standards for HAP emissions for industrial process cooling towers. This latter action did not revise the list or schedule, per se, but specifically delineated rule applicability by defining the affected sources within the listed category. The Agency believes that defining rule applicability and affected sources as part of standard setting constitutes an important aspect of list

clarification. As was stated in the original listing notice (57 FR 31576):

The Agency recognizes that these descriptions [in the initial list], like the list itself, may be revised from time to time as better information becomes available. The Agency intends to revise these descriptions as part of the process of establishing standards for each category. Ultimately, a definition of each listed category, or subsequently listed subcategories, will be incorporated in each rule establishing a NESHAP for a category.

Various other Agency actions may trigger the need for revisions to the list or schedule. As one example, the Administrator may delete categories of sources pursuant to section 112 (c)(9), on her own motion or on petition, subject to criteria regarding cancer effects, non-cancer health effects and environmental effects. In addition, under section 112(c)(1), the Agency may revise the initial source category list if new information indicates that such action is appropriate.

Pursuant to section 112(c)(9), EPA today is proposing to delete a category of area sources, the asbestos processing source category, from the list on the Administrator's own motion. Further, EPA believes that the previous determination under section 112(c)(1) that asbestos emissions from these plants pose a threat of adverse health effects, and hence should be included on the list of area source categories, appears to no longer be supportable.

Prior to issuance of the initial source category list under section 112(c)(1), the EPA published a draft initial list for public comment, see 56 FR 28548 (June 21, 1991). Although EPA was not required to take public comment on the initial source category list, the Agency believed it was useful to solicit input on a number of issues related to the list. Indeed, in most instances, even where there is no statutory requirement to take comment, EPA solicits public comment on actions it is contemplating. The EPA has, therefore, decided that it is appropriate to solicit additional public comment on the revision proposed in today's notice.

## **II. Description of Proposed Revision**

A. Deletion of a Source Category on the Administrator's Own Motion

In today's notice, the Agency is proposing to delete the asbestos processing area source category on the Administrator's own motion. The Agency has obtained new information which no longer supports the finding of a threat of adverse health effects on which the initial listing for this area source was based under section 112(c)(3).