The Agency is proposing to take this action under the authority of section 112(c)(9)(B) for deleting source categories and under section 112(c)(1) of the Act which allows the Agency to revise the list of source categories if such revision is appropriate in response to new information. Under section 112(c)(9)(B), the Agency may delete a category of major or area sources from the list, based on petition of any person or on the Administrator's own motion, upon a determination that: (1) In the case of sources that emit HAPs that may result in cancer, no source in the category (or group of sources in the case of area sources) emits HAPs in quantities that may cause lifetime cancer risk greater than one in one million to the most exposed individual; or, (2) in the case of sources that emit HAPs that may result in non-cancer adverse health effects or adverse environmental effects, emissions from no source in the category (or group of sources in the case of area sources) exceed a level adequate to protect public health with an ample margin of safety and no adverse environmental effects will result. As discussed below, the Agency has met the legal requirements of section 112(c)(9)(B) for this action.

Regarding section 112(c)(1) of the Act, EPA believes that the new information discussed below indicates that the asbestos processing source category was improperly listed based on incorrect data. New information indicates that the level of asbestos emissions from such sources was greatly overstated in the initial studies, and the new information indicates that no source in the category is emitting asbestos in quantities that may cause adverse health effects.

Accordingly, EPA is proposing to revise the source category list by deleting the asbestos processing source category.

B. Asbestos Processing

The area source category of asbestos processing was included on the initial source category list, accompanied by a finding under section 112(c)(3) of a threat of adverse effects to human health. The Administrator made no such finding with regard to environmental effects and made no finding with regard to the non-carcinogenic effects of emissions. The reader is referred to the initial July 16, 1992 list (57 FR 31576) for a discussion of this finding. In 1991, the Agency gathered information from the ten highest emitters of asbestos from asbestos processing facilities in the Nation to estimate the threat to human health from these facilities. Asbestos processing includes asbestos milling, manufacturing and fabrication. Products

that are manufactured or fabricated using asbestos include, but are not limited to, textiles, papers and felts, friction materials, cements, vinylasbestos floor tiles, gaskets and packings, shotgun shell wads, asphalt concrete, fireproofing and insulating materials, and chlorine. As cited in the area source finding, information on asbestos emissions was limited at that time by the lack of an appropriate measurement method. Therefore, engineering estimates of asbestos emissions were developed, which were based in part on the hypothesis that the concentration of asbestos in particulate matter emitted from fabric filtration (baghouse) control devices operated at these facilities was the same as the concentration of asbestos in the captured particulate matter.

After the asbestos processing source category was included in the initial list under section 112(c)(1) and section 112(c)(3), the Agency collected information under the authority of section 114 of the Act from all facilities that mill, manufacture, or fabricate asbestos or asbestos-containing products. This information was gathered for development of the maximum achievable control technology (MACT)/ generally available control technology (GACT) asbestos processing standard. From this information collection activity, new measurements of asbestos emissions were obtained. This new information was supplied by a company that operates two of the facilities that had been included in the 1991 study used to establish the area source finding for asbestos processing. Details on the new test information are discussed in the document entitled, "Particulate and Asbestos Emission Study", [Docket No. A-94-69]. The Agency reviewed the methods used to test this facility and concluded that the emission estimates supplied by the company are valid. As a result of this information, the Agency now believes that due to the morphology of asbestos, fibers are captured selectively by fabric filtration devices (baghouses) with much greater efficiency than was previously thought. In addition, those two facilities now process less asbestos than previously. which has resulted in lower asbestos emissions.

The new emissions data indicate that emissions of asbestos are approximately 150 times lower than initially estimated and that the risk to the most exposed individual for both sources is below one in one million. In addition, the other eight sources in the initial study have either ceased operations or no longer use asbestos in their operations. Therefore, the MIR for all ten sources

that were the basis for the original listing are now below one in one million.

Moreover, EPA distributed information collection requests to over 250 other companies thought to be processing asbestos or asbestoscontaining materials. The information provided by these other smaller potential sources of asbestos indicates that all potential asbestos processing sources are either no longer operating, not using asbestos, or using the emission control devices required under the current asbestos NESHAP, 40 CFR 61 § 61.140 et. seq. This information shows that the other sources in the asbestos processing source category also do not present a MIR of greater than one in one million.

Therefore, the Administrator has preliminarily determined that no source or group of sources in the category emits asbestos in quantities which may cause a lifetime risk of cancer greater than one in one million to the individual most exposed to asbestos emissions. As discussed earlier, EPA based its initial listing of this source category on the risk to human health caused by the carcinogenic properties of asbestos emissions. EPA has no information regarding whether or not there are adverse environmental effects of these emissions or whether or not noncarcinogenic effects of such asbestos emissions are at a level that is adequate to protect human health with an ample margin of safety. However, as the original listing of this source category was based on the carcinogenic effects of asbestos, and as the new information substantially refutes the original data upon which EPA based its initial decision to list this source category, EPA believes that a delisting would be appropriate in these circumstances. If this finding is finally determined to be accurate, the Agency will delete the asbestos processing source category from the source category list pursuant to section 112(c)(9) of the Act.

The Administrator has also made a preliminary decision to delete the asbestos processing area source category under section 112(c)(1), based on new information not in EPA's possession at the time of listing. The Agency would not have listed this source category had this information been available at the time of listing. EPA has made a preliminary decision that this area source category does not present a threat of adverse effects to human health or the environment sufficient to warrant regulation under section 112(d) of the Act. Additional information on this decision is available in the docket. (Docket no. A-94-69)