these two notices for information related to development of the initial list and schedule.

EPA published a notice on January 24, 1995 (60FR4624) that, when finalized, would remove the asbestos processing source category from the section 112 source category list and schedule. In this notice, EPA is finalizing that proposal. The reader is directed to that notice for information related to the proposal.

Summary of Comments Received

During the comment period between January 24, 1995 and February 23, 1995, Docket No. A–94–69 received a total of three comments in response to the 60FR4624 notice. No comments were received within 30 days after the close of the comment period and there was no request for a public hearing on issues related to the proposed deletion. All comments received were in support of the Agency's preliminary decision to revise the source category list by removing the asbestos processing area source category from the list.

Comments addressed the completeness of EPA's study, the adequacy of the extent of new information collected, the appropriateness of the (proposed) revision to the list, and the adequacy of existing regulations for controlling asbestos emissions from asbestos processing facilities. The commenters expressed the opinion that EPA's decision to revise the list as proposed is both accurate and reasonable.

• Mr. Russell K. Snyder, Executive Vice President of the Roof Coating Manufacturers Association (RCMA) commented, "* * * RCMA feels that the extensive information obtained by the Agency from over 250 companies, indicating that many companies no longer process asbestos and those remaining use appropriate control equipment, lends additional support and credence to the decision on the part of the Agency to de-list the asbestos processing industry. RCMA endorses the notice as consistent with the Clinton Administration's Common Sense Initiative regarding legislation and regulation based on thorough scientific and technical justification. Furthermore, RCMA feels that this notice is an excellent example of EPA working with industry and environmentalists to develop necessary, intelligent and effective regulation."

• Mr. B.J. Pigg, President of the Asbestos Information Association (AIA/ NA) commented that "AIA/NA previously filed comments with the Agency on its plans to assess asbestos processing emissions on October 26, 1992. As (AIA) noted there, U.S. processors currently employ very effective baghouse collection methods to minimize fiber release. These control methods will continue to be employed even after the area source category is delisted."

• Mr. Frank P. Collis, environmental specialist with the Occidental Chemical Corporation commented, "* * * most facilities that would have been subject to the asbestos processing area source MACT standard are already subject to the existing asbestos NESHAP standard (i.e., 40 CFR 61 Subpart M). The development of an additional MACT standard would be duplicative, confusing to the regulated community and not the best use of the Agency's limited resources."

No comments took exception to the technical basis for the delisting, the new information received, the analyses conducted by the U.S. EPA to determine the validity of that information, or the rationale for the technical decision being made. The EPA analysis showed less than 10^{-6} maximum individual risk (MIR) and emission estimates 150 times less than the estimate originally used to list the asbestos processing source category as an area source category. Additionally, no comments were received regarding the specific legal basis for deletion.

II. Description of Revision

In today's notice, the Agency is removing the asbestos processing area source category on the Administrator's own motion, pursuant to section 112(c). As described in the proposed notice 60 FR 4624, the Agency has new information showing 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. This refutes EPA's initial finding of a threat of adverse health effects on which the initial listing for this area source was based under section 112(c)(3).

EPA has, therefore, 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 and that the previous determination under section 112(c)(3) is no longer supportable. EPA based its initial listing of this area source category solely on the risk to human health caused by the carcinogenic properties of asbestos emissions. New information contained in the docket thoroughly refutes the original data upon which EPA based its initial listing. EPA received no comment rebutting the

statement that the Agency has met the legal requirements of section 112(c). Hence removal of this source category from the list of area source categories is appropriate in this instance.

Most friction product manufacturing facilities have discontinued their use of asbestos, but have significant emissions of other HAP. EPA notes that the information collected in connection with this decision also shows that a subcategory of asbestos processing sources, the friction product manufacturing subcategory, has individual facilities which emit more than 10 tons/year of a single nonasbestos HAP or more than 25 tons per year of a collection of non-asbestos HAPs (methyl chloroform, methyl ethyl ketone, formaldehyde, phenol, and toluene). Therefore, EPA intends to add a new friction products manufacturing category, including friction product manufacturing facilities that do not use asbestos, to the source category list as a major source category in a general revision to the source category list that is currently being developed.

III. Administrative Requirements

A. Docket

The docket (Docket no. A–94–69) is an organized and complete file of all the information submitted to or otherwise considered by the Agency in the development of this proposed revision to the initial list of categories of sources. The principal purpose of this docket is to allow interested parties to identify and locate documents that serve as a record of the process engaged in by the Agency to publish today's proposed revision to the initial list and schedule.

B. Executive Order 12866

Under Executive Order 12866 (58*FR*51735, October 4, 1993), the Agency must determine whether a regulation is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The criteria set forth in section 1 of the Order for determining whether a regulation is a significant rule are as follows:

(1) Is likely to have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government communities;

(2) Is likely to create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Is likely to materially alter the budgetary impact of entitlements,