

determining the capture efficiency of a control system as long as the data generated from the method meets one of two sets of criteria. These criteria are known as the data quality objective (DQO) approach and the lower confidence limit (LCL) approach. As one commenter requested, this new guidance has been included in the final rule.

9. Clarification of Compliance Dates

Under the proposed rule, the compliance date for sources emitting less than 50 tons of HAP per year is three years after the effective date of the rule. For sources emitting more than 50 tons of HAP per year, the compliance date is November 21, 1997. As one commenter pointed out, however, the proposed rule did not include guidance as to which year's emissions should be used to determine the compliance date for a facility. In the final rule, 1996 is identified as the baseline year for determining a facility's compliance date. If a facility's emissions in 1996 are less than 50 tons of HAP then the compliance date for that facility is December 7, 1998. If the facility's emissions are 50 tons of HAP or more in 1996 then the compliance date for the facility is November 21, 1997.

10. Clarification of Definitions and Emission Limits for Adhesives

Several commenters requested clarification of some of the definitions related to adhesives and also clarification as to which adhesives are subject to the emission limits. One commenter indicated they did not believe adhesives should be considered coatings. The EPA agrees and has changed the definition of coating so that it no longer includes adhesives. The definition of adhesive was also changed to clarify that adhesives should not be considered coatings or finishing materials under this subpart.

Several commenters also indicated that the rule should more accurately reflect that contact adhesives are the only types of adhesives that are subject to an emission limit under this subpart. Several changes have been made in the definitions, § 63.801, and in the summary of emission limits, § 63.802, that should clarify this issue.

D. Other Issues

During the EPA work group review of the final rule, two of the EPA offices represented on the work group indicated they had issues that they believed needed to be addressed in the preamble. Both EPA offices recognized that this rule was developed under a regulatory negotiation approach, and

they both indicated that they did not want these issues to impact negatively on the consensus achieved during the regulatory negotiation. These issues are addressed in the following paragraphs.

The EPA Office of Research and Development (ORD) expressed concern about the differential use of toxicity information in the regulation. In particular, the ORD was concerned about the prohibition of Class A and B₁/B₂ carcinogens in cleaning and washoff solvents. The ORD was concerned that this prohibition implies that these pollutants are "worse" than other HAP, which may cause serious chronic health effects and/or life-threatening acute effects. Concern was also expressed that the regulation draws a line between pollutants with "B" and "C" designations, when the scientific evidence may not support such a clear distinction. Because this regulation was developed through a negotiation process, ORD agreed to include this provision in the final regulation. However, it is important to emphasize that the decision to include such a provision in this specific rulemaking does not represent a generic policy decision on the use of weight-of-evidence designations.

The second issue, which was raised by the Office of Pollution Prevention and Toxics (OPPT), was also addressed in the preamble to the proposed rule. The preamble to the proposed rule stressed that urea-formaldehyde resins, which are used extensively in gluing operations in the wood furniture and are a source of formaldehyde emissions, are not subject to an emission limit under this regulation. During the development of the regulation, the EPA, working closely with urea-formaldehyde resin manufacturers and the wood furniture industry, decided that it would be more appropriate to regulate emissions from these adhesives under the NESHAP for plywood and particleboard manufacturing. The OPPT has agreed with this approach, but they indicated that the preamble to the final rule should reiterate the EPA intention to regulate these adhesives under a future rulemaking. Therefore, while the EPA is not regulating emissions from urea-formaldehyde resins at wood furniture manufacturing facilities under this rulemaking, emissions from these resins will be regulated under the NESHAP for plywood and particleboard manufacturing.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information

considered by the EPA in the development of this rule. The docket is a dynamic file; material is added throughout the rulemaking process. The docketing system is intended to allow members of the public to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of the basis and purpose of the proposed and promulgated standards and the EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review [Section 307(d)(7)(A)].

B. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0324.

The information required to be collected by this rule is necessary to identify the regulated entities who are subject to the rule and to ensure their compliance with the rule. The recordkeeping and reporting requirements are mandatory and are being established under authority of Section 114 of the CAA. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the EPA policies set forth in Title 40, Part 2, subpart B—Confidentiality of Business Information.

The total annual reporting and recordkeeping burden for this collection averaged over the first three years is estimated to be 140,603 hours per year. The average burden, per respondent, is 187 hours per year. The rule requires an initial one-time notification from each respondent and subsequent reports/ notification would have to be submitted semiannually. There would be an estimated 750 respondents to the collection requirements. This estimate 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.

Send comments on the EPA need for this information, the accuracy of the