

SECURITIES AND EXCHANGE COMMISSION TABLE OF IOAA FEES PROPOSED FOR ELIMINATION—Continued

Fee cite	Rule/form/schedule	Amount	Description
Investment Advisers Act of 1940 ("Advisers Act")			
17 CFR 275.0-5(d)	Rule 0-5	150	Application under the Advisers Act.
17 CFR 275.203-3(a)	Rule 203-3	150	Advisers Act registration fee.

¹ (First/subseq.).

Dated: May 16, 1996.
By the Commission.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96-12777 Filed 5-21-96; 8:45 am]
BILLING CODE 8010-01-P

Dated: May 16, 1996.
Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 96-12763 Filed 5-21-96; 8:45 am]
BILLING CODE 4310-02-M

risks to human health and the environment by sector end-use.
DATES: Written comments or data provided in response to this document must be submitted by June 21, 1996. A public hearing, if requested, will be held in Washington, D.C. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below. If such a hearing is requested, it will be held on June 6, 1996, and the comment period would then be extended to July 8, 1996. Anyone who wishes to request a hearing should call Sally Rand at (202) 233-9739 by May 29, 1996. Interested persons may contact the Stratospheric Protection Hotline at 1-800-296-1996 to learn if a hearing will be held and to obtain the date and location of the hearing.

ADDRESSES: Public Comments. Written comments and data should be sent to Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4:00 p.m. on weekdays. Telephone (202) 260-7549; fax (202) 260-4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, a second copy of the comments should be sent to Sally Rand, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. EPA, 401 M Street, SW., 6205-J, Washington, DC. 20460. Information designated as Confidential Business Information (CBI) under 40 CFR part 2 subpart B must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Nancy Smagin at (202) 233-9126 or fax (202) 233-9577, Stratospheric Protection Division, USEPA, Mail Code 6205J, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Overview of This Action

This action is divided into five sections, including this overview:

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 291

RIN 1076-AD67

Establishing Departmental Procedures To Authorize Class III Gaming on Indian Lands When a State Raises an Eleventh Amendment Defense To Suit Under the Indian Gaming Regulatory Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction.

SUMMARY: This document corrects the name of the issuing agency and the CFR part number for the advance notice of proposed rulemaking regarding Class III Indian gaming on Indian lands published on May 10, 1996.

FOR FURTHER INFORMATION CONTACT: George Skibine, Director, Indian Gaming Management Staff, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Beginning on page 21394 in the issue of Friday, May 10, 1996, make the following corrections on page 21394:

1. In the heading of the document, under the heading "Department of the Interior," the issuing agency was previously listed as the National Indian Gaming Commission. This should be changed to read Bureau of Indian Affairs.

2. In the CFR heading of the document, the CFR citation was previously listed as 25 CFR Part 525. This should be changed to read 25 CFR Part 291.

3. The agency in the AGENCY caption is corrected to read "Bureau of Indian Affairs, Interior."

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-5507-6]

RIN 2060-AG12

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes restrictions or prohibitions on substitutes for ozone depleting substances ((ODS)) under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program. SNAP implements section 612 of the amended Clean Air Act of 1990 which requires EPA to evaluate and regulate substitutes for the ODS to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to expedite movement away from ozone depleting compounds while avoiding a shift into high-risk substitutes posing other environmental problems.

On March 18, 1994, EPA promulgated a final rulemaking setting forth its plan for administering the SNAP program (59 FR 13044), and issued decisions on the acceptability and unacceptability of a number of substitutes. In this Notice of Proposed Rulemaking (NPRM), EPA is issuing its preliminary decisions on the acceptability of certain substitutes not previously reviewed by the Agency. To arrive at determinations on the acceptability of substitutes, the Agency completed a cross-media evaluation of

I. Overview of This Action
 II. Section 612 Program
 A. Statutory Requirements
 B. Regulatory History
 III. Proposed Listing of Substitutes
 IV. Administrative Requirements
 V. Additional Information
 Appendix: Summary of Proposed Listing Decisions

II. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

Rulemaking—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

Listing of Unacceptable/Acceptable Substitutes—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.

Petition Process—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

90-day Notification—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

Outreach—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

Clearinghouse—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. Regulatory History

On March 18, 1994, EPA published the Final Rulemaking (FRM) (59 FR

13044) which described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvent cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors comprise the principal industrial sectors that historically consume large volumes of ozone-depleting compounds.

The Agency defines a "substitute" as any chemical, product substitute, or alternative manufacturing process, whether existing or new, that could replace a class I or class II substance. Anyone who produces a substitute must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to chemical manufacturers, but may include importers, formulators or end-users when they are responsible for introducing a substitute into commerce.

III. Proposed Listing of Substitutes

To develop the lists of unacceptable and acceptable substitutes, EPA conducts screens of health and environmental risks posed by various substitutes for ozone-depleting compounds in each use sector. The outcome of these risk screens can be found in the public docket.

Under section 612, the Agency has considerable discretion in the risk management decisions it can make in SNAP. The Agency has identified five possible decision categories: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; unacceptable; and pending. Acceptable substitutes can be used for all applications within the relevant sector end-use. Conversely, it is illegal to replace an ODS with a substitute listed by SNAP as unacceptable for that end-use. A pending listing represents substitutes for which the Agency has not received complete data or has not completed its review of the data.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions of use are met to minimize risks to human health and the environment. Such substitutes are placed on the acceptable subject to use conditions lists. Use of such substitutes in ways that are inconsistent with such use conditions renders these substitutes unacceptable.

Even though the Agency can restrict the use of a substitute based on the potential for adverse effects, it may be

necessary to permit a narrowed range of use within a sector end-use because of the lack of alternatives for specialized applications. Users intending to adopt a substitute acceptable with narrowed use limits must ascertain that other acceptable alternatives are not technically feasible. Companies must document the results of their evaluation, and retain the results on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives, e.g., performance, technical or safety standards, and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. Use of such substitutes in application and end-uses which are not specified as acceptable in the narrowed use limit renders these substitutes unacceptable.

In this Notice of Proposed Rulemaking (NPRM), EPA is issuing its preliminary decision to restrict use of certain substitutes not previously reviewed by the Agency. As described in the final rule for the SNAP program (59 FR 13044), EPA believes that notice-and-comment rulemaking is required to place any alternative on the list of prohibited substitutes, to list a substitute as acceptable only under certain use conditions or narrowed use limits, or to remove an alternative from either the list of prohibited or acceptable substitutes.

EPA does not believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substitute. Consequently, EPA periodically adds substitutes to the list of acceptable alternatives without first requesting comment on new listings. Updates to the acceptable and pending lists are published in separate Notices in the Federal Register.

Parts A. through C. below present a detailed discussion of the proposed substitute listing determinations by major use sector. Tables summarizing listing decisions in this Notice of Proposed Rulemaking are in Appendix A. The comments contained in Appendix A provide additional information on a substitute. Since comments are not part of the regulatory decision, they are not mandatory for use of a substitute. Nor should the comments be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA encourages users of

substitutes to apply all comments in their application of these substitutes. In many instances, the comments simply allude to sound operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the comments, if adopted, would not require significant changes in existing operating practices for the affected industry.

A. Refrigeration and Air Conditioning

1. Acceptable Subject to Use Conditions

a. CFC-12 Automobile and Non-automobile Motor Vehicle Air Conditioners, Retrofit and New. EPA is concerned that the existence of several substitutes in this end-use may increase the likelihood of significant refrigerant cross-contamination and potential failure of both air conditioning systems and recovery/recycling equipment. In addition, a smooth transition to the use of substitutes strongly depends on the continued purity of the recycled CFC-12 supply. In order to prevent cross-contamination and preserve the purity of recycled refrigerants, EPA is proposing several conditions on the use of all motor vehicle air conditioning refrigerants. For the purposes of this proposed rule, no distinction is made between "retrofit" and "drop-in" refrigerants; retrofitting a car to use a new refrigerant includes all procedures that result in the air conditioning system using a new refrigerant. Please note that EPA only reviews refrigerants based on environmental and health factors.

In particular, when retrofitting a CFC-12 system to use any substitute refrigerant, the following conditions must be met:

- Each refrigerant may only be used with a set of fittings that is unique to that refrigerant. These fittings (male or female, as appropriate) must be used with all containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all air conditioning system service ports. These fittings must be designed to mechanically prevent cross-charging with another refrigerant. A refrigerant may only be used with the fittings and can taps specifically intended for that refrigerant. Using an adapter or deliberately modifying a fitting to use a different refrigerant will be a violation of this use condition. In addition, fittings shall meet the following criteria, derived from Society of Automotive Engineers (SAE) standards and recommended practices:

- When existing CFC-12 service ports are to be retrofitted, conversion assemblies shall attach to the CFC-12 fitting with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that permanently prevents the assembly from being removed.

- All conversion assemblies and new service ports must satisfy the vibration testing requirements of sections 3.2.1 or 3.2.2 of SAE J1660, as applicable, excluding references to SAE J639 and SAE J2064, which are specific to HFC-134a.

- In order to prevent discharge of refrigerant to the atmosphere, systems shall have a device to limit compressor operation before the pressure relief device will vent refrigerant. This requirement is waived for systems that do not feature such a pressure relief device.

- All CFC-12 service ports not retrofitted with conversion assemblies shall be rendered permanently incompatible for use with CFC-12 related service equipment by fitting with a device attached with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that prevents the device from being removed.

- When a retrofit is performed, a label must be used as follows:

- The person conducting the retrofit must apply a label to the air conditioning system in the engine compartment that contains the following information:

- * The name and address of the technician and the company performing the retrofit

- * The date of the retrofit

- * The trade name, charge amount, and, when applicable, the ASHRAE refrigerant numerical designation of the refrigerant

- * The type, manufacturer, and amount of lubricant used

- * If the refrigerant is or contains an ozone-depleting substance, the phrase "ozone depleter"

- * If the refrigerant displays flammability limits as measured according to ASTM E681, the statement "This refrigerant is FLAMMABLE. Take appropriate precautions."

- This label must be large enough to be easily read and must be permanent.

- The background color must be unique to the refrigerant.

- The label must be affixed to the system over information related to the previous refrigerant, in a location not normally replaced during vehicle repair.

- Information on the previous refrigerant that cannot be covered by the new label must be permanently rendered unreadable.

- No substitute refrigerant may be used to "top-off" a system that uses another refrigerant. The original refrigerant must be recovered in accordance with regulations issued under section 609 of the CAA prior to charging with a substitute.

Since these use conditions necessitate unique fittings and labels, it will be necessary for developers of automotive refrigerants to consult with EPA about the existence of other alternatives. Such discussions will lower the risk of duplicating fittings already in use.

No determination guarantees satisfactory performance from a refrigerant. Consult the original equipment manufacturer or service personnel for further information on using a refrigerant in a particular system.

(a) All refrigerants. *All refrigerants listed in future notices as being acceptable as substitutes for CFC-12 in retrofitted and new motor vehicle air conditioners are proposed to be subject to the use conditions described above.*

In the March 18, 1994 FRM (59 FR 13044), EPA established that the public would be informed via a Notice when substitutes are added to the acceptable list. If EPA intended to place any restrictions, including use conditions, on the use of a substitute, that determination would require full notice-and-comment rulemaking. In this NPRM, however, EPA proposes to modify that approach for motor vehicle air conditioning systems (MVACS).

As explained above, EPA is concerned about potential cross-contamination because of the large number of MVAC refrigerants. In this NPRM, EPA is proposing to impose the same use conditions on all future MVAC refrigerants as were imposed on HFC-134a and HCFC Blend Beta (60 FR 31092), and were proposed for HCFC Blend Delta and Blend Zeta (60 FR 51383). Because of EPA's interest in timely review of substitute refrigerants, EPA believes it is appropriate to propose that these use conditions be applied to all future refrigerants for use in motor vehicle air conditioning, thereby removing the requirement for future notice-and-comment rulemaking on this issue. In the future, EPA will add refrigerants to the list of automotive substitutes that are acceptable subject to use conditions without notice-and-comment rulemaking. Such action will occur in the same manner as Notices of Acceptability. If further restrictions are necessary for a specific refrigerant (for example, if a substitute is found unacceptable), then EPA will propose such action in notice-and-comment rulemaking.

(b) R-406A. *R-406A, which consists of HCFC-22, HCFC-142b, and isobutane, is proposed acceptable as a substitute for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above, in addition to the requirement that retrofitting an MVAC system to R-406A must include replacing non-barrier hoses with barrier hoses.* Because HCFC-22 and HCFC-142b contribute to ozone depletion, this blend is considered a transitional alternative. Regulations regarding recycling and reclamation issued under section 608 of the Clean Air Act apply to this blend. HCFC-142b has one of the highest ODPS among the HCFCs. The GWPS of HCFC-22 and HCFC-142b are

somewhat high. Although HCFC-142b and isobutane are flammable, the blend is not. After significant leakage, however, this blend may become weakly flammable. The manufacturer has performed a risk assessment that demonstrates that it can be used safely in this end-use. There is concern that HCFC-22 will seep out of traditional hoses. Thus, at the manufacturer's suggestion, EPA is imposing an additional condition that barrier hoses must be used with R-406A. Note: R-406A is sold under the trade names "GHG" and "McCool."

The R-406A submission contained the first risk assessment that attempted to quantify the additional risk posed by using a refrigerant that is nonflammable but that may fractionate to a flammable state. EPA invites comment on this risk assessment, which may be obtained from USEPA Air Docket A-91-42, file VI-D-120. The assessment concludes that an additional 0.018 injuries will occur per million vehicles annually. This value is extremely low. In addition, even an error of a factor of 100 would still result in very low additional risk.

(c) HCFC Blend Lambda. *HCFC Blend Lambda, which consists of HCFC-22, HCFC-142b, and isobutane, is proposed acceptable as a substitute for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above, in addition to the requirement that HCFC Blend Lambda must be used with barrier hoses.* Because HCFC-22 and HCFC-142b contribute to ozone depletion, they will be phased out of production. Therefore, this blend will be used primarily as a retrofit refrigerant. However, HCFC Blend Lambda is acceptable for use in new systems, subject to the same use conditions. Regulations regarding recycling and reclamation issued under section 608 of the Clean Air Act apply to this blend. HCFC-142b has one of the highest ODPS among the HCFCS. The GWPS of HCFC-22 and HCFC-142b are somewhat high. Although HCFC-142b and isobutane are flammable, the blend is not. After significant leakage, this blend may become weakly flammable. However, this blend contains more HCFC-22 and less of the two flammable components than R-406A, and therefore should be at least as safe to use as R-406A. In addition, as discussed above in the R-406A section, the manufacturer has performed a risk assessment that demonstrates that R-406A can be used safely in this end-use. Finally, as stated above, this blend contains even lower

percentages of flammable components than R-406A.

There is concern that HCFC-22 will seep out of traditional hoses. Thus, at the manufacturer's suggestion, EPA is imposing an additional condition that barrier hoses must be used with R-406A. Note: this blend is sold under the trade name "GHG-HP."

(d) HCFC Blend Xi, HCFC Blend Omicron. *HCFC Blend Xi and HCFC Blend Omicron, both of which consist of HCFC-22, HCFC-124, HCFC-142b, and isobutane, are proposed acceptable as substitutes for CFC-12 in retrofitted and new motor vehicle air conditioners, subject to the use conditions applicable to motor vehicle air conditioning described above, in addition to the requirement that these blends must be used with barrier hoses.* Because HCFC-22 and HCFC-142b contribute to ozone depletion, they will be phased out of production. Therefore, these blends will be used primarily as retrofit refrigerants. However, these blends are acceptable for use in new systems, subject to the same use conditions. Regulations regarding recycling and reclamation issued under section 608 of the Clean Air Act apply to these blends. HCFC-142b has one of the highest ODPS among the HCFCS. The GWPS of HCFC-22 and HCFC-142b are somewhat high. Although HCFC-142b and isobutane are flammable, these blends are not. In addition, testing on these blends has shown that they do not become flammable after leaks. EPA is concerned that HCFC-22 will seep out of traditional hoses. Thus, EPA is proposing an additional condition that barrier hoses must be used with HCFC Blend Xi and HCFC Blend Omicron. Note: HCFC Blend Xi is being sold under the trade names "GHG-X4", "Autofrost", and "Chill-It," and HCFC Blend Omicron is being sold under the trade names "Hot Shot" and "Kar Kool."

B. Solvent Cleaning

1. Acceptable Subject to Use Conditions

a. Electronics Cleaning.

(a) HFC-4310mee. *HFC-4310mee is proposed as an acceptable substitute for CFC-113 and methyl chloroform (MCF) in electronics cleaning subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.* HFC-4310mee is a new chemical that has just completed review by EPA's Premanufacture Notice Program under the Toxic Substances Control Act. This chemical does not deplete the ozone layer since it does not contain chlorine or bromine. It does have some potential

to contribute to global warming since its 500-year Global Warming Potential (GWP) is 520 and it has a 20.8 year lifetime. However, the GWP and lifetime for HFC-4310 are both lower than the GWP and lifetime for CFC-113 and significantly lower than for PFCs, which are other substitutes for ozone-depleting solvents.

HFC-4310mee does exhibit some toxicity in tests reviewed by EPA, and causes central nervous system effects at relatively low levels. However, these effects are reversible and cease once chemical exposure is eliminated. Review under the SNAP program and the PMN program determined that a time-weighted average workplace exposure standard of 200 ppm and a workplace exposure ceiling of 400 ppm would be adequately protective of human health and that companies could readily meet these exposure limits using the types of equipment specified in the product safety information provided by the chemical manufacturer.

These workplace standards are designed to protect worker safety until the Occupational Safety and Health Administration (OSHA) sets its own standards under P.L. 91-596. The existence of the EPA standards in no way bars OSHA from standard-setting under OSHA authorities as defined in P.L. 91-596.

B. Precision Cleaning

(a) HFC-4310mee. *HFC-4310mee is proposed as an acceptable substitute for CFC-113 and methyl chloroform in precision cleaning subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.* The reasoning behind this determination is presented above in the section on electronics cleaning.

These workplace standards are designed to protect worker safety until the Occupational Safety and Health Administration (OSHA) sets its own standards under P.L. 91-596. The existence of the EPA standards in no way bars OSHA from standard-setting under OSHA authorities as defined in P.L. 91-596.

2. Acceptable Subject to Narrowed Use Limits

a. Electronics Cleaning.

(a) Perfluoropolyethers. *Perfluoropolyethers are proposed as acceptable substitutes for CFC-113 and MCF in the electronics cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance*

or safety requirements. These chemicals have global warming characteristics comparable to the perfluorocarbons and, as a result, are proposed to be subject to the same restrictions. A full discussion of the global warming concerns and related risk management decision can be found under 59 FR 13044 (March 18, 1994, at p. 13094)

b. Precision Cleaning.

(a) Perfluoropolyethers.

Perfluoropolyethers are proposed as acceptable substitutes for CFC-113 and MCF in the precision cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements. These chemicals have global warming characteristics comparable to the perfluorocarbons and, as a result, are proposed to be subject to the same restrictions. A full discussion of the global warming concerns and related risk management decision can be found under 59 FR 13044 (March 18, 1994, at p. 13094).

3. Unacceptable

a. Electronics Cleaning.

(a) HCFC-141b. *HCFC-141b is unacceptable as a substitute for CFC-113 and MCF in electronics cleaning under existing rules (59 FR 13044; March 18, 1994); today's notice proposes to amend this unacceptability determination and proposes existing uses of HCFC-141b as acceptable in high-performance electronics cleaning until January 1, 1997.* This proposed determination extends the use date for HCFC-141b in solvent cleaning, but only for existing users in high-performance electronics and only for one year. The extension does not affect the production phaseout date for HCFC-141b, which is January 1, 2003.

The extension should not be viewed as a reason to postpone replacement of 141b. Alternatives exist for nearly all solvent cleaning applications of 141b, and the principal reason for the extension is the long lead time necessary to test, select, and implement a chosen substitute in high-performance applications where stringent qualifications testing is the norm.

Existing regulations affect 141b in two ways. Under the production phaseout for ozone-depleting substances (ODS), 141b has a phaseout date of January 1, 2003. This regulation, developed under section 604 of the Clean Air Act (CAA), states that chemical manufacturers will no longer be allowed to manufacture 141b as of that date (40 CFR Part 82, Subpart G, Appendix A). HCFC-141b is

also subject to a number of use restrictions relevant to solvent cleaning operations. According to regulations developed under section 612 of the CAA—the SNAP program—the only companies allowed to use 141b in solvent cleaning equipment are existing users. Existing users were defined in the March 1994 determination as companies who had 141b-based solvent cleaning equipment in place as of April 18, 1994. No new substitutions into 141b for solvent cleaning were permitted, and even existing users may use 141b only until January 1, 1996. This use ban date for existing users is the subject of the extension in today's proposal. HCFCs, including 141b, are also covered by other use restrictions such as the nonessential ban (section 610) and labeling (section 611). The 610 and 611 regulations are not discussed here. If you need more information about these regulations, call the Stratospheric Ozone Protection Hotline at 1-800-296-1996.

Many users and vendors of 141b have requested that the Agency postpone the effective date of the use ban under SNAP for solvent cleaning beyond January 1, 1996. In response to these petitions, EPA is proposing an extension. Note, however, that the only change is that existing uses in high-performance electronics cleaning would be permitted for an additional year until January 1, 1997. (Precision cleaning uses are also extended in today's proposal, but are listed in the next section.) "High-performance electronics" would include high-value added components for aerospace, military, or medical applications such as hybrid circuits or other electronics for missile guidance systems. The existing policy of no new substitutions into 141b is maintained and uses of 141b in metals cleaning and basic electronics cleaning would still end as of January 1, 1996. These restricted applications include cleaning of basic, formed metal parts and high-volume electronics cleaning such as components for consumer electronics.

An important distinction is that "solvent cleaning" in the SNAP program is defined to cover replacements of ODS in industrial cleaning, either in vapor degreasing or cold cleaning. It does not include aerosol applications, which are covered separately under the SNAP program. It also does not include other solvent cleaning uses of ODS such as in textile cleaning, dry cleaning, flushing of automotive air conditioning systems, or hand wiping. This means, for instance, that the use ban date does not apply to 141b used for hand wiping. However, users should understand that although

these uses are not currently governed by the SNAP program, responsible corporate policy would be to implement alternatives to ODS where possible. Additionally, SNAP reserves the right to regulate any use where significant environmental differences exist in the choice of alternatives.

To minimize the paperwork burden, no reporting is proposed for companies that qualify for an extension.

The extension is not an excuse to delay selecting an alternative. The principal reason for extending the permissible period of use for 141b in these narrowed applications is not that alternatives do not exist, but that users need more time to qualify and implement alternatives. Even with the extension, uses of 141b in the specified applications will only be permitted for another 12 months beyond the current use ban date. This additional time can only be used productively if users begin now to select, test, order equipment and materials, etc.

The search for alternatives should include not just aqueous and semi-aqueous alternatives, but also recently developed cleaning chemicals and technologies. Information on vendors of substitutes is available from the Stratospheric Ozone Protection Hotline. Call 1-800-296-1996 and ask for the Vendor List for Precision Cleaning. In addition, EPA has more detailed information available on topics such as retrofitting 141b degreasers to use HFCS or on cleaning of medical devices.

b. Precision Cleaning.

(a) HCFC-141b. *HCFC-141b is unacceptable as a substitute for CFC-113 and MCF in precision cleaning under existing rules (59 FR 13044; March 18, 1994); today's notice proposes to amend this unacceptability determination and proposes existing uses of HCFC-141b as acceptable in precision cleaning until January 1, 1997.* This proposed determination extends the use date for HCFC-141b in solvent cleaning, but only for existing users in precision cleaning and only for one year. The extension does not affect the production phaseout date for HCFC-141b, which is January 1, 2003.

For a full discussion of the rationale for extension, please see the previous section on electronics cleaning. This discussion applies in full to users of precision cleaning, which for purposes of this extension is defined to include cleaning of devices of high-value added, precision-engineered parts such as precision ball bearings for navigational devices, or other components for aerospace, or medical uses.

C. Aerosols

1. Acceptable Subject to Narrowed Use Limits

a. Solvents.

(a) *Perfluorocarbons. Perfluorocarbons (PFCs) are proposed as acceptable substitutes for CFC-113 and MCF for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.* EPA is proposing to permit the use of PFCs in aerosols applications despite their global warming potential since so few nontoxic, nonflammable solvents exist and this sector presents a high probability of worker exposure and safety risks. PFCs are already subject to similar restrictions in the solvents cleaning sector due to global warming concerns (59 FR 13044, March 18, 1994). This decision, if implemented as proposed, will allow users to select PFCs in the event of performance or safety concerns while guarding against widespread, unnecessary use of these potent greenhouse gases.

(b) *Perfluoropolyethers. Perfluoropolyethers (PFPEs) are proposed as acceptable substitutes for CFC-113 and MCF for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.* EPA is proposing to permit the use of perfluoropolyethers in aerosols applications despite their global warming potential since so few nontoxic, nonflammable solvents exist and this sector presents a high probability of worker exposure and safety risks. PFCs, which have global warming potentials comparable to the PFPEs, are already subject to similar restrictions in the solvents cleaning sector due to global warming concerns (59 FR 13044, March 18, 1994). This decision, if implemented as proposed, will allow users to select perfluoropolyethers in the event of performance or safety concerns while guarding against widespread, unnecessary use of these potent greenhouse gases.

2. Unacceptable

a. Propellants.

(a) *SF6. SF6 is proposed as unacceptable substitute for CFC-11, CFC-12, HCFC-22 and HCFC-142b in aerosol applications.* This chemical has been of commercial interest as a compressed gas propellant substitute for ozone-depleting propellants. It has an atmospheric lifetime of 3,200 years and

a 100-year global warming potential (GWP) of 24,900. CFC-11, in contrast, has a lifetime of 50 years and a GWP of 4,000. Formulators have indicated to the EPA that other compressed gases such as CO₂ would work equally well and could be formulated at similar or lower cost.

3. Amendment to List of Substances Being Replaced

EPA proposes today to add CFC-12 and CFC-114 to the list of aerosol propellants being replaced by substitutes reviewed under SNAP. This will ensure that companies replacing these CFCS in their products will be able to adhere to SNAP rulings in the replacement process. The environmental trade-offs associated with replacing CFC-12 and CFC-114 versus CFC-11 do not change significantly, since the ODPS for all the CFCS are roughly the same.

IV. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735; October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

Pursuant to the terms of Executive Order 12866, OMB notified EPA that it considers this a "significant regulatory action" within the meaning of the Executive Order and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations have been documented in the public record.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires EPA to prepare a budgetary impact

statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing any small governments that may be significantly or uniquely affected by the rule. Section 205 requires that regulatory alternatives be considered before promulgating a rule for which a budgetary impact statement is prepared. The Agency must select the least costly, most cost-effective, or least burdensome alternative that achieves the rule's objectives, unless there is an explanation why this alternative is not selected or this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this proposed rule, the Agency is not required to develop a plan with regard to small governments.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 604(a), applies to any rulemaking that is subject to public notice and comment requirements. The Act requires that a regulatory flexibility analysis be performed or the head of the Agency certifies that a rule will not have a significant economic effect on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

The Agency believes that this proposed rule will not have a significant effect on a substantial number of small entities and has therefore concluded that a formal RFA is unnecessary. Because costs of the SNAP requirements as a whole are expected to be minor, the is unlikely to adversely affect businesses, particularly as the rule exempts small sectors and end-uses from reporting requirements and formal agency review. In fact, to the extent that information gathering is more expensive and time-consuming for small companies, this rule may well provide benefits for small businesses anxious to examine potential substitutes to any ozone-depleting class I and class II substances they may be using, by requiring manufacturers to make information on such substitutes available.

D. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1774.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2136), 401 M St., SW., Washington, DC 20460 or by calling (202) 260-2740. The reasons for these information requirements are explained in the section on automobile air conditioning (III.A.1.a), and the requirements will be mandatory under section 612 of the Clean Air Act once the ICR is approved.

EPA is proposing to apply the information requirements described above to this rulemaking, previous similar rulemakings, and future rulemakings. Therefore, once the ICR is approved and this proposed rule is finalized, the ICR will also apply to requirements described in rules published on June 13, 1995 (60 FR 31092) and a rule expected to be published in April, 1996.

EPA estimates that the burden of learning about the requirements will be approximately ten minutes, and that filling out each required label itself will take under one minute. 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.

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.

Comments are requested 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. Send comments on the ICR to the Director, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2136), 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after May 22, 1996, a comment to OMB is best assured of having its full effect if OMB receives it by June 21, 1996. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

V. Additional Information

For copies of the comprehensive SNAP lists or additional information on SNAP contact the Stratospheric Protection Hotline at 1-800-296-1996, Monday-Friday, between the hours of 10:00 a.m. and 4:00 p.m. (EST).

For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the Federal Register on March 18, 1994 (59 FR 13044). Federal Register notices can be ordered from the Government Printing Office Order Desk, (202) 783-3238; the citation is the date of publication. Notices and rulemaking under the SNAP program can also be retrieved electronically from EPA's Protection of Stratospheric Ozone Technology Transfer Network (TTN), Clean Air Act Amendment Bulletin Board. The access number for users with a 1200 or 2400 bps modem is (919) 541-5742. For users with a 9600 bps modem the access number is (919) 541-1447. For assistance in accessing this service, call (919) 541-5384 during normal business hours (EST). Finally, all ozone depletion-related NPRMS, FRMs, and Notices may be retrieved from EPA's Ozone Depletion World Wide Web site, at <http://www.epa.gov/docs/ozone/title6/usregs.html>.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: May 13, 1996.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, 40 CFR part 82 is proposed amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. Sec. 7414, 7601, 7671-7671q.

2. Section 82.180 is amended by revising paragraph (a)(8)(ii) to read as follows:

§ 82.180 Agency review of SNAP submissions.

(a) * * *

(8) * * *

(ii) Communication of Decision to the Public. The Agency will publish in the Federal Register periodic updates to the list of the acceptable and unacceptable alternatives that have been reviewed to date. In the case of substitutes proposed as acceptable with use restrictions, proposed as unacceptable or proposed for removal from either list, a rulemaking process will ensue. Upon completion of such rulemaking, EPA will publish revised lists of substitutes acceptable subject to use conditions or narrowed use limits and unacceptable substitutes to be incorporated into the Code of Federal Regulations. (See Appendices to this subpart.)

* * * * *

3. Subpart G is amended by adding Appendix D to read as follows:

Subpart G—Significant New Alternatives Policy Program

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Appendix D to Subpart G—Substitutes Subject to Use Restrictions and Unacceptable Substitutes Listed

Refrigeration and Air Conditioning Sector Proposed Use Conditions

R-406A/"GHG"/"McCool", "GHG-HP", "GHG-X4"/"Autofrost"/"Chill-It", "Hot Shot"/"Kar Kool", and all refrigerants when listed in subsequent notices, are proposed acceptable subject to the following conditions when used to retrofit a CFC-12 motor vehicle air conditioning system or

when used in a new motor vehicle air conditioning system:

1. Each refrigerant may only be used with a set of fittings that is unique to that refrigerant. These fittings (male or female, as appropriate) must be used with all containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all air conditioning system service ports. These fittings must be designed to mechanically prevent cross-charging with another refrigerant. A refrigerant may only be used with the fittings and can taps specifically intended for that refrigerant. Using an adapter or deliberately modifying a fitting to use a different refrigerant will be a violation of this use condition. In addition, fittings shall meet the following criteria, derived from Society of Automotive Engineers (SAE) standards and recommended practices:
 - a. When existing CFC-12 service ports are to be retrofitted, conversion assemblies shall attach to the CFC-12 fitting with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that permanently prevents the assembly from being removed.
 - b. All conversion assemblies and new service ports must satisfy the vibration

testing requirements of sections 3.2.1 or 3.2.2 of SAE J1660, as applicable, excluding references to SAE J639 and SAE J2064, which are specific to HFC-134a.

- c. In order to prevent discharge of refrigerant to the atmosphere, systems shall have a device to limit compressor operation before the pressure relief device will vent refrigerant. This requirement is waived for systems that do not feature such a pressure relief device.
- d. All CFC-12 service ports shall be retrofitted with conversion assemblies or shall be rendered permanently incompatible for use with CFC-12 related service equipment by fitting with a device attached with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that prevents the device from being removed.
2. When a retrofit is performed, a label must be used as follows:
 - a. The person conducting the retrofit must apply a label to the air conditioning system in the engine compartment that contains the following information:
 - i. The name and address of the technician and the company performing the retrofit
 - ii. The date of the retrofit
 - iii. The trade name, charge amount, and, when applicable, the ASHRAE

- refrigerant numerical designation of the refrigerant
- iv. The type, manufacturer, and amount of lubricant used
 - v. If the refrigerant is or contains an ozone-depleting substance, the phrase "ozone depleter"
 - vi. If the refrigerant displays flammability limits as measured according to ASTM E681, the statement "This refrigerant is FLAMMABLE. Take appropriate precautions."
- b. This label must be large enough to be easily read and must be permanent.
 - c. The background color must be unique to the refrigerant.
 - d. The label must be affixed to the system over information related to the previous refrigerant, in a location not normally replaced during vehicle repair.
 - e. Information on the previous refrigerant that cannot be covered by the new label must be permanently rendered unreadable.
3. No substitute refrigerant may be used to "top-off" a system that uses another refrigerant. The original refrigerant must be recovered in accordance with regulations issued under section 609 of the CAA prior to charging with a substitute.

SOLVENT CLEANING SECTOR—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Proposed Decision	Conditions	Comments
Electronics Cleaning w/ CFC-113 and MCF.	HFC-4310mee	Acceptable	Subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.	
Precision Cleaning w/ CFC-113 and MCF.	HFC-4310mee	Acceptable	Subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.	

SOLVENT SECTOR—PROPOSED ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

Application	Substitute	Proposed decision	Comments
Electronics Cleaning w/ CFC-113 and MCF.	Perfluoropolyethers	Perfluoropolyethers are proposed as acceptable substitutes for CFC-113 and MCF in the precision cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs.
Precision Cleaning w/ CFC-113 and MCF.	Perfluoropolyethers	Perfluoropolyethers are proposed as acceptable substitutes for CFC-113 and MCF in the precision cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs.

PROPOSED UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Proposed decision	Comments
Electronics Cleaning w/ CFC-113 and MCF.	HCFC-141b	Extension of existing unacceptability determination to grant existing uses in high-performance electronics permission to continue until January 1, 1997.	This proposed determination extends the use date for HCFC-141b in solvent cleaning, but only for existing users in high-performance electronics and only for one year.

PROPOSED UNACCEPTABLE SUBSTITUTES—Continued

End-use	Substitute	Proposed decision	Comments
Precision Cleaning w/ CFC-113 and MCF.	HCFC-141b	Extension of existing unacceptability determination to grant existing uses in precision cleaning permission to continue until January 1, 1997.	This proposed determination extends the use date for HCFC-141b in solvent cleaning, but only for existing users in precision cleaning and only for one year.

AEROSOLS SECTOR—PROPOSED ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

Application	Substitute	Proposed Decision	Comments
CFC-113, MCF, and HCFC-141b as aerosol solvents.	Perfluorocarbons	Perfluorocarbons are proposed as acceptable substitutes for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFCs have extremely long atmospheric lifetimes and high Global Warming Potentials. This decision reflects these concerns and is patterned after the SNAP decision on PFCs in the solvent cleaning sector.
	Perfluoropolyethers	Perfluorocarbons are proposed as acceptable substitutes for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs in the solvent cleaning sector.

PROPOSED UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
CFC-11, CFC-12, HCFC-22, and HCFC-142b as aerosol propellants.	SF6	Unacceptable	SF6 has the highest GWP of all industrial gases, and other compressed gases meet user needs in this application equally well.

[FR Doc. 96-12624 Filed 5-21-96; 8:45 am]
BILLING CODE 6560-50-P

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

45 CFR Part 2400

Fellowship Program Requirements

AGENCY: James Madison Memorial Fellowship Foundation.

ACTION: Proposed rule.

SUMMARY: The following are proposed revised regulations governing the annual competition for James Madison Fellowships and the obligations of James Madison Fellows. These regulations would update and replace several aspects of the the Foundation's existing regulations as implemented by the James Madison Memorial Fellowship Act of 1986. These revised regulations would govern the qualifications and applications of candidates for fellowships; the selection of Fellows by the Foundation; the graduate programs Fellows must pursue; the terms and conditions attached to awards; the Foundation's annual Summer Institute on the Constitution; and related requirements and expectations regarding fellowships.

DATES: Comments must be submitted on or before July 22, 1996.

ADDRESSES: James Madison Memorial Fellowship Foundation, 2000 K Street, NW, Suite 303, Washington, DC 20006-1809.

FOR FURTHER INFORMATION CONTACT: Lewis F. Larsen, (202) 653-8700.

SUPPLEMENTARY INFORMATION: The reason for the proposed changes to the Foundation's regulations comes as a result of the Foundation's desire to clarify several of the rules and regulations which James Madison Fellows must observe when accepting their fellowships. Although many of the changes are minor insertions of words and punctuation, this document specifically expands the definition section to include further detailed definitions on Credit Hour Equivalent, Incomplete, Repayment, Satisfactory Progress, Stipend, Teaching Obligation, Termination and Withdrawal. The Foundation now encourages James Madison Fellows to choose a graduate program which does not include the writing of a thesis. Graduate programs for which Fellows may apply have been broadened to include political science. Finally, a section entitled "Teaching Obligation" was added to further clarify the obligation to teach, required by the

Foundation once each fellow has earned a master's degree.

List of Subjects in 45 CFR Part 2400

Education, Fellowships.

Dated: May 16, 1996.

Paul A. Yost, Jr.,
President.

For the reasons set forth in the preamble and under authority of 20 U.S.C. 4501 *et seq.*, chapter XXIV, title 45 of the Code of Federal Regulations is amended by revising part 2400 to read as follows:

Chapter XXIV—James Madison Memorial Fellowship Foundation

PART 2400—FELLOWSHIP PROGRAM REQUIREMENTS

Subpart A—General

- 2400.1 Purposes.
- 2400.2 Annual competition.
- 2400.3 Eligibility.
- 2400.4 Definitions.

Subpart B—Application

- 2400.10 Application.
- 2400.11 Faculty representatives.

Subpart C—Application Process

- 2400.20 Preparation of application.
- 2400.21 Contents of application.
- 2400.22 Application deadline.