

Appendix D To Part 75—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Units [Amended]

14. Appendix D, section 2.1.5.2 is amended by revising the phrase "bypass fuel" to read "backup fuel".

15. Appendix D, section 2.1.6.1 is amended by revising the phrase "bypass fuel" to read "backup fuel".

Appendix F of Part 75—Conversion Procedures [Amended]

16. Appendix F, section 3.4, Equation F-10 is amended by changing the superscript in the sum from "n" to "m", to read as follows:

$$E_a = \sum_{i=1}^m \frac{E_i}{m} \quad (\text{Eq. F-10})$$

$$CO_{2w} \frac{100}{20.9} \frac{F_c}{F} \left[20.9 \left(\frac{100 - \%H_2O}{100} \right) - O_{2w} \right] \quad (\text{Eq. F-14b})$$

Where,

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17. Appendix F, section 4.4.1 is amended by adding Equation F-14b after the variables for Equation F-14a and before the variables for Equation F-14b, to read as follows:

4.4.1
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or

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Appendix F, Section 5.5.1—[Amended]

18. Appendix F, Section 5.5.1 is amended by revising the last variable for Equation F-19 from "106" to read "106" in the definition for the variable.

Appendix G of Part 75—Determination of CO₂ Emissions [Amended]

Appendix G, Section 4—[Amended]

19. Appendix G, section 4 is amended by redesignating Equation G-7 as Equation G-8.

[FR Doc. 96-12482 Filed 5-21-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 82

[FRL-5467-1]

RIN 2060-AG12

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action finalizes restrictions or prohibitions on substitutes for ozone depleting substances (ODSs) 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 ODSs 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 substitutes. In this Final Rulemaking (FRM), 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 risks to human health and the environment by sector end-use.

DATES: Effective date June 21, 1996.

The information collection requirements contained in Appendix C of subpart G of part 82 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them. EPA will publish a document in the Federal Register announcing OMB approval.

ADDRESSES: Public Docket: Public comments and data specific to this final rule are in 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 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.

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:

- I. Overview of This Action
- II. Section 612 Program

- A. Statutory Requirements
 - B. Regulatory History
 - III. Listing of Substitutes
 - IV. Administrative Requirements
 - V. Additional Information
- Appendix: Summary of 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 is referring 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. 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 risks screens can be found in the public docket, as described

above in the **ADDRESSES** portion of this notice.

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. 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. 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 Final Rulemaking (FRM), EPA is issuing decisions on the acceptability of certain substitutes not previously reviewed by the Agency. The proposed rulemaking for these decisions was published on October 2, 1995 (60 FR 51383). As described in the proposed rule, 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 adds substitutes to the list of acceptable alternatives without first requesting comment on new listings. Updates to the acceptable and pending lists are published as separate Notices in the Federal Register.

Parts A. through C. below present a detailed discussion of the substitute listing determinations by major use sector. Tables summarizing listing decisions in this Final Rulemaking are in Appendix below. The comments contained in the Appendix 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 acceptable 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 Response to Comment

EPA received one comment supporting the requirement to use unique fittings when retrofitting motor vehicle air conditioning systems (MVACS). The commenter, however, requested EPA reduce the information required on the label. EPA based the labeling requirements very closely on SAE J1660 and a petition by the Mobile Air Conditioning Society (MACS), and believes all of the information proposed in the NPRM is necessary, as clarified below. The commenter requested that EPA remove each of the following pieces of information from the label.

- Technician name and address.

EPA requires this information to ensure that both the consumer and various agencies know exactly who worked on the vehicle. In addition, this information allows the consumer to check that the technician is certified to work on MVACS.

- ASHRAE designation.

The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) assigns unique numbers to new refrigerants. Refrigerant properties depend very strongly on both the components and the individual percentages within a blend. The composition of all ASHRAE-designated refrigerants is public, and EPA believes it is important for consumers and technicians to be aware of such information if it is available.

- Lubricant Manufacturer.

Given the large number of new refrigerants and lubricants, EPA believes the consumer is best served by having this information. This information is particularly important since it is extremely difficult to test every possible refrigerant/lubricant combination in every vehicle.

- "Ozone depleter" phrase.

The commenter reasoned that SNAP acceptability was the only relevant criterion to protect the ozone layer. Until November 15, 1995, however, only ozone-depleting substances were required to be recovered from MVACS, and since the composition of certain blends was confidential, EPA believed it was important to alert technicians of the necessity of recovering the refrigerant during servicing and disposal. EPA still believes that this statement does not add significantly to the label size and provides useful information to the consumer.

- Flammability phrase.

The commenter requested that this phrase be shortened from "This refrigerant is FLAMMABLE. Take appropriate precautions." to "FLAMMABLE". However, because flammable refrigerants are not currently in use, EPA believes it is extremely important to draw attention to a flammable substitute. Technicians and consumers need to be aware of the potential hazards posed by flammable refrigerants, and the entire phrase serves that purpose better than a single word.

In addition to the above rationale, the labeling requirements cannot be changed each time EPA lists a new refrigerant as acceptable for use in MVACS subject to use conditions. The labeling requirements were finalized on June 13, 1995 (60 FR 51383) for HCFC Blend Beta, R-401C, and HFC-134a. It is not reasonable to require vendors of those refrigerants to modify their labels or to meet standards not imposed on subsequent refrigerants. EPA believes the labeling requirements are necessary and appropriate to help the MVAC industry in its transition away from CFC-12 in as smooth and safe a manner as possible.

2. 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 imposing several conditions on the use of all motor vehicle air conditioning refrigerants. For the purposes of this 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.

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) HCFC Blend Delta

HCFC Blend Delta is 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. The composition of this blend has been claimed confidential by the manufacturer. This blend contains at least one HCFC, and therefore contributes to ozone depletion, but to a much lesser degree than CFC-12. Regulations regarding recycling and reclamation issued under section 609 of the Clean Air Act apply to this blend. Its production will be phased out according to the accelerated schedule (published 12/10/93, 58 FR 65018). The GWPs of the components are moderate to low. This blend is nonflammable, and leak testing has demonstrated that the blend never becomes flammable.

(b) Blend Zeta

Blend Zeta is 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. The composition of this blend has been claimed confidential by the manufacturer. This blend does not contribute to ozone depletion. The GWPs of the components are moderate to low. This blend is nonflammable, and leak testing has demonstrated that the blend never becomes flammable.

B. Solvents

1. Response to Comment

In response to EPA's proposal, the Agency received public comment stating that the scope of SNAP did not extend to setting workplace standards for chemicals. The Agency disagrees with this comment, and it discussed in the original SNAP rule-making (59 FR 13044, March 18, 1994) how it is using section 612 authority under the Clean Air Act to set workplace standards as interim measures until OSHA has had an opportunity to review and decide on the need for standards under OSHA legislative authorities. The commenter suggested that EPA review with OSHA its intention of setting these standards. The EPA has already taken this step, and EPA and OSHA are in agreement

about the ability and the need for the SNAP program to set occupational standards as an interim regulatory measure until the chemical in question has been reviewed by OSHA. Further discussion of this issue is included under the Fire Extinguishing section below.

2. Acceptable Subject to Use Conditions

a. Metals Cleaning

(1) Monochlorotoluenes/
Benzotrifluorides

Monochlorotoluenes/benzotrifluorides are acceptable subject to use conditions as substitutes for CFC-113 and MCF in metals cleaning. These two classes of chemicals are being sold as blends for a variety of cleaning applications. Of all the structures of commercial interest, the only chemical with an Occupational Safety and Health Administration (OSHA) standard is orthochlorotoluene, one of the monochlorotoluenes. This substance has an OSHA Permissible Exposure Level (PEL) of 50 ppm. Using this standard as a proxy, the Agency is setting a workplace standard of 50 ppm for monochlorotoluenes as a group. None of the benzotrifluorides has a PEL. Based on a toxicological study recently completed by the company interested in commercialization of these chemicals, the Agency is setting a workplace standard of 25 ppm for benzotrifluorides. Companies intending to use monochlorotoluene/benzotrifluoride mixtures should take the inherent hazard of these chemicals into account.

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. Electronics Cleaning

(1) Monochlorotoluenes/
Benzotrifluorides

Monochlorotoluenes/benzotrifluorides are acceptable subject to use conditions as substitutes for CFC-113 and MCF in electronics cleaning. For the reasons described in the section on metals cleaning, the Agency is setting a workplace standard of 50 ppm for monochlorotoluenes and 25 ppm for benzotrifluorides.

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.

c. Precision Cleaning

(1) Monochlorotoluenes/
Benzotrifluorides

Monochlorotoluenes/benzotrifluorides are acceptable subject to use conditions as substitutes for CFC-113 and MCF in precision cleaning. For the reasons described in the section on metals cleaning, the Agency is setting a workplace standard of 50 ppm for monochlorotoluenes and 25 ppm for benzotrifluorides.

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.

C. Fire Suppression and Explosion Protection

1. Response to Comments

Comment: One commenter stated that EPA's regulation of total flooding agents is within the purview of OSHA, and that EPA should defer to OSHA rather than create duplicative regulation. Further, the commenter states that the conditions EPA has stipulated allowing exposure to oxygen deficient atmospheres of 10% to 12% oxygen is hazardous and inconsistent with OSHA's requirement for 19.5% oxygen in confined spaces. The commenter further advised EPA that OSHA published an update to its Respiratory Protection Standard (November 15, 1994, 59 FR 58906) which includes a chart indicating that oxygen concentrations below 16% at sea level should require the extra precautions that go with IDLH atmospheres (immediately dangerous to life and health). The commenter also pointed out the OSHA regulations requiring predischage alarms. In summary, the commenter recommended (1) that EPA revise the proposed rule to be consistent with current OSHA regulation, (2) that EPA not establish a 12% "no effect level" or a 10% "lowest effect level," and (3) that EPA leave this regulatory activity to OSHA.

Response: EPA would like to direct the commenter's attention to the original SNAP rulemaking published March 18, 1994 (59 FR 13044), as discussed in the Solvents section above. The Agency responded to many comments questioning its authority to promulgate workplace safety

regulations. To quote earlier language from the Comment Response document:

In imposing conditions of use, EPA does not intend to preempt other regulatory authorities, such as those exercised by the Occupational Safety and Health Administration (OSHA) or other government or industrial standard-setting bodies. Rather, EPA hopes to fill existing regulatory gaps during the interim period of substitution away from ozone-depleting compounds and provide the needed margin of protection to human health and the environment until other regulatory controls or standards are developed under appropriate authorities.

EPA anticipates applying use conditions only in the rare instances where clear regulatory gaps exist, and where an unreasonable risk would exist in the absence of any condition. These limitations will only remain in place until the appropriate standard setting agency acts. Once existing gaps are filled, EPA will rescind any conditions which have become redundant. The mechanism for informing the public of this change will be the quarterly Federal Register notices updating the status of the SNAP lists.

For the March 18, 1994 SNAP rulemaking, EPA had conducted an analysis of existing regulation of low oxygen atmospheres and determined that none relates to the use of a fixed gaseous system. (Available from the EPA Air Docket A-91-42, IV-A-4. "Evaluation of Federal Regulations and Industry Guidelines Governing Minimum Oxygen Levels in Work Areas Protected By Gaseous Total Flooding Fire Protection Systems," Memo from ICF Incorporated to Karen Metchis, EPA, 1993.) OSHA had a number of inquiries concerning the definition of "oxygen deficient atmospheres", but the definition remained unclear with OSHA stating that any atmosphere containing less than 19.5 per cent oxygen falls within the definition of "oxygen deficient atmosphere." However existing regulations concerned only such things as entering tanks (Ventilation Standard, 29 CFR 1910.94), confined spaces not intended for occupancy, etc. In addition, the proposed OSHA Respiratory Standard cited by the commenter does not apply to fire protection systems, except in situations where personnel wish to reenter an area that has experienced a system discharge.

The Agency views discharge of fire extinguishment systems as emergency situations, whether they be accidental discharges or discharges in response to a fire. In these cases, personnel are expected to quickly egress from an area, presumably before discharge occurs, but potentially very quickly after discharge. To prohibit use of this technology for fear of emergency situations would be

akin to prohibiting the use of a particular chemical for fear of an accidental spill. Both cases represent an emergency situation that should be handled accordingly. Inert gas systems are not to be used while personnel remain in an area to conduct normal duties.

Current OSHA regulations (1910.162) allow use of halon in fixed extinguishing systems in normally occupied areas in amounts that would result in an oxygen deficient atmosphere. The same regulation allows use of carbon dioxide systems in normally occupied areas even though exposure to discharge of a CO₂ system results in immediate death. Thus, it is not inconsistent with current OSHA regulations to design fire extinguishing systems that might result in low oxygen atmospheres provided that certain protections are present.

Comment: The manufacturer of one inert gas system commented that EPA has erred in determining that inert gases without CO₂ can be used at the same levels and for the same exposure times as inert gases with added CO₂, and referenced a supporting document, "Physiological Effects of Abrupt Exposure to 10% O₂ with 4% CO₂," dated February 15, 1995. Further, the commenter explained why EPA's concern that added CO₂ might cause an increased inspiration of combustion products is not warranted, by elaborating on three exposure scenarios to a fire agent: no-fire, small-fire, and large-fire. The commenter pointed out that only in the case of a large fire will high levels of combustion products exist and in that case the risk of the fire greatly exceeds any incremental risk from the added CO₂.

Response: While EPA generally agrees with the commenter's elaboration of the scenarios of exposure, the question of the relative importance of the effects of inert gases systems with and without added CO₂ in fire protection scenarios is the subject of a current peer review on hypoxic atmospheres. Pending the outcome of that assessment, EPA may re-propose use conditions on these agents either to increase flexibility in the use of these agents and/or to differentiate the use conditions applicable to systems with or without added CO₂.

Comment: One manufacturer of this agent stated that the most recently published atmospheric information on CF₃I indicates that its atmospheric lifetime is less than one day, the ozone depletion potential is less than 0.0008 and more likely below 0.0001, and its global warming potential is less than five.

The commenter further stated that, compared to Halon 1211, its weight and volume equivalence are 0.94 and 0.83 respectively. Finally, the commenter requested that CF₃I not be referred to as Halon 13001, as this might confuse the public as to why "halon" was being replaced by a "halon."

In addition, the manufacturer provided the Agency with the report entitled "Exposure Assessment of Firefighters to Triiodide during Streaming Scenarios," conducted at Tyndall Air Force Base. The results of personal monitoring indicated that exposure to this agent during use indoors does not exceed its cardiotoxic effect levels.

Response: The Agency agrees with the commenter and will use the most recent information on atmospheric characteristics as well as weight and volume equivalence, as noted by the commenter. In addition, CF₃I will not be labeled Halon 13001 in order to avoid general confusion. Finally, the Agency is proceeding to list this agent as acceptable for use as a streaming agent in nonresidential uses.

2. Acceptable Subject to Use Conditions

As was discussed in the March 18, 1994 SNAP rulemaking, EPA in some cases finds acceptable the use of an agent only under certain conditions. In implementing its use of conditions, the Agency has sought to avoid overlap with other existing regulatory authorities. EPA believes that section 612 clearly authorizes imposition of use conditions to ensure safe use of replacement agents. EPA's mandate is to list agents that "reduce the overall risk to human health and the environment" for "specific uses."

In light of this authorization, EPA is only intending to set conditions for the safe use of halon substitutes in the workplace until OSHA incorporates specific language addressing gaseous agents into OSHA regulation. Under OSHA Public Law 91-596, section 4(b)(1), OSHA is precluded from regulating an area currently being regulated by another federal agency. EPA is specifically deferring to OSHA, and has no intention to assume responsibility for regulating workplace safety especially with respect to fire protection. EPA's workplace use conditions will not bar OSHA from regulating under its P.L. 91-596 authority.

a. Total Flooding Agents

(1) IG-55 (Formerly [Inert Gas Blend] B)

IG-55 is acceptable as a Halon 1301 substitute for total flooding

applications. IG-55, which is comprised of 50% nitrogen and 50% argon, is designed to lower the oxygen level in a protected area to a level that does not support combustion, and, unlike pure carbon dioxide systems, sufficient oxygen remains to maintain life support.

The toxicological issues of concern with inert gas systems differ from those of halocarbon agents, in that the end-point for hypoxic (low oxygen) atmospheres is asphyxiation while the end-point for halocarbons is cardiac sensitization leading to cardiac arrhythmias. Thus, EPA requested the manufacturers of the inert gas systems to conduct a peer review by a panel of medical specialists to consider specific questions concerning exposing the typical working population to this agent. In addition, a panel of medical specialists convened by EPA to review all inert gas systems concluded that the use conditions imposed by EPA are conservative and adequate.

The results of the peer reviews further convinces us that the SNAP conditions previously listed for IG-541 are appropriate for IG-55 and IG-01 as well. Specifically, while the terms No Observed Adverse Effect Level (NOAEL) and Lowest Observed Adverse Effect Level (LOAEL) refer to cardiotoxic effect levels which are not appropriate when discussing hypoxic atmospheres, EPA is establishing a 'no effect level' for inert gas systems at 12% oxygen, and a 'lowest effect level' at 10% oxygen.

Thus, consistent with the Occupational Safety and Health Administration (OSHA) conditions used by EPA for all total flooding agents, EPA is specifying that an IG-55 system could be designed to an oxygen level of 10% if employees can egress the area within one minute, but may be designed only to the 12% level if it takes longer than one minute to egress the area. If the possibility exists for the oxygen to drop below 10%, employees must be evacuated prior to such oxygen depletion. A design concentration of less than 10% oxygen may only be used in normally unoccupied areas, as long as any employee who could possibly be exposed can egress within 30 seconds.

EPA stresses that, even though the medical specialists concur that it is probably safe to expose the typical worker to 10% or 12% oxygen for up to five minutes, EPA does not encourage any employee to intentionally remain in the area, even in the event of accidental discharge. In addition, the system must include alarms and warning mechanisms as specified by OSHA.

EPA intends that all personnel be evacuated from an area prior to, or quickly after, discharge. An inert gas

system may not be designed with the intention of personnel remaining in the area unless appropriate protection is provided, such as self-contained breathing apparatus.

(2) IG-01 (Formerly [Inert Gas Blend] C)

IG-01 is acceptable as a Halon 1301 substitute for total flooding applications. IG-01 is comprised 100% of argon, and as with IG-55, is designed to lower the oxygen level in a protected area to a level that does not support combustion, while maintaining sufficient oxygen for life support.

As with IG-55, an IG-01 system may be designed to an oxygen level of 10% if employees can egress the area within one minute, but may be designed only to the 12% level if it takes longer than one minute to egress the area. If the possibility exists for the oxygen to drop below 10%, employees must be evacuated prior to such oxygen depletion. A design concentration of less than 10% may only be used in normally unoccupied areas, as long as any employee who could possibly be exposed can egress within 30 seconds.

EPA stresses that, even though the medical specialists concur that it is probably safe to expose the typical worker to 10% or 12% oxygen for up to five minutes, EPA does not encourage any employee to intentionally remain in the area, even in the event of accidental discharge. In addition, the system must include alarms and warning mechanisms as specified by OSHA.

Please refer to the discussion of IG-55 for a fuller description of inert gas systems.

3. Acceptable Subject to Narrowed Use Limits

(a) Streaming Agents

(1) CF₃I

CF₃I is acceptable as a Halon 1211 substitute in nonresidential applications. CF₃I is a fluoriodocarbon with an atmospheric lifetime of less than one day due to its rapid photolysis in the presence of light. Due to its short atmospheric lifetime of one day and its photolytic decomposition mechanism, the resulting GWP of this agent is less than 5, while its ODP when released at ground level is 0.0008 and more likely below.

CF₃I has a weight and volume equivalence to Halon 1211 of 0.94 and 0.83, respectively. While it is potentially a 'drop-in' replacement for Halon 1211, with some modifications in elastomers or other system materials, there exists a question as to whether current technical standards allow the reuse of halon 1211 canisters for other chemicals. Both the

National Fire Protection Association (NFPA) standard and UL listings should be examined in this context.

Cardiac sensitization data received by the Agency indicate that CF₃I has a NOAEL of 0.2 per cent and a LOAEL of 0.4 per cent. Personal monitoring for this agent was conducted using 2½ to 13 pound extinguishers in various indoor applications. The resulting data indicate that cardiotoxic levels are not likely to be exceeded when used as a streaming agent. While the tests were conducted in different scenarios both with and without ventilation, EPA recommends that this agent be used in well ventilated areas. Because of the low cardiac sensitization values, EPA is prohibiting use of this agent in consumer residential applications where the possibility exists of incorrect use by untrained users.

D. Aerosols

1. Response to Comment

As discussed in the section on solvent cleaning, EPA received a comment stating that it did not have authority under SNAP to set workplace standards. For the reasons described above, the Agency disagrees with this comment.

2. Acceptable Subject to Use Conditions

a. Solvents

(1) Monochlorotoluenes/
Benzotrifluorides

Monochlorotoluenes/benzotrifluorides are acceptable subject to use conditions as substitutes for CFC-113 and MCF as aerosol solvents. These two classes of chemicals are being sold as blends for aerosol applications. Of all the structures of commercial interest, the only chemical with an Occupational Safety and Health Administration (OSHA) standard is orthochlorotoluene, one of the monochlorotoluenes. This substance has an OSHA Permissible Exposure Level (PEL) of 50 ppm. Using this standard as a proxy, the Agency is setting a workplace standard of 50 ppm for monochlorotoluenes as a group. None of the benzotrifluorides has a PEL. Based on a toxicological study recently completed by the company interested in commercialization of these chemicals, the Agency is setting a workplace standard of 25 ppm for benzotrifluorides. Companies intending to use monochlorotoluene/benzotrifluoride mixtures should take the inherent hazard of these chemicals into account in implementing applications.

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.

E. Adhesives, Coatings and Inks

1. Response to Comment

As discussed in the section on solvent cleaning, EPA received a comment stating that it did not have authority under SNAP to set workplace standards. For the reasons described above, the Agency disagrees with this comment.

2. Acceptable Subject to Use Conditions

a. Monochlorotoluenes/ Benzotrifluorides

Monochlorotoluenes/benzotrifluorides are acceptable subject to use conditions as substitutes for CFC-113 and MCF in adhesives, coatings, and inks. These two classes of chemicals are being sold as blends for these applications. Of all the substances of commercial interest, the only chemical with an Occupational Safety and Health Administration (OSHA) standard is orthochlorotoluene, one of the monochlorotoluenes. This substance has an OSHA Permissible Exposure Level (PEL) of 50 ppm. Using this standard as a proxy, the Agency is setting a workplace standard of 50 ppm for monochlorotoluenes as a group. None of the benzotrifluorides has a PEL. Based on a toxicological study recently completed by the company interested in commercialization of these chemicals, the Agency is setting a workplace standard of 25 ppm for benzotrifluorides. Companies intending to use monochlorotoluene/benzotrifluoride mixtures should take the inherent toxicity of these chemicals into account in implementing applications.

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.

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 final 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 rule, the Agency is not required to develop a plan with regard to small governments. However, the rule has the net effect of reducing burden from part 82, Stratospheric Protection regulations, on regulated entities.

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 final 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 rule 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 rule will be 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 will be prepared by EPA and a copy will be available from Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2136); 401 M St., S.W.; Washington, DC 20460 or by calling (202) 260-2740. The information requirements are not effective until OMB approves them. The reasons for these information requirements are explained in the section on automobile air conditioning (III.A.2.a), and will be mandatory once the ICR is approved under section 612 of the Clean Air Act.

EPA estimates that, over a 5 year period, approximately 30 million cars will be retrofitted with alternative refrigerants, and that the burden to complete and apply a label will not exceed 5 minutes per car. 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.

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 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. 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 on a quarterly basis a complete 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 C to read as follows:

Subpart G—Significant New Alternatives Policy Program

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Appendix C to Subpart G—Substitutes Subject to Use Restrictions and Unacceptable Substitutes Listed in the May 22, 1996 Final Rule, Effective June 21, 1996

Refrigeration and Air Conditioning Sector—Acceptable Subject to Use Conditions

HCFC Blend Delta and Blend Zeta are acceptable subject to the following conditions when used to retrofit a CFC-12 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 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.

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	Decision	Conditions	Comments
Metals Cleaning with CFC-113, MCF and HCFC-141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.
Electronics Cleaning w/ CFC-113, MCF and HCFC-141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.
Precision Cleaning w/ CFC-113, MCF and HCFC-141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO USE CONDITIONS: TOTAL FLOODING AGENTS

Application	Substitute	Decision	Conditions	Comments
Halon 1301	IG-55 (formerly [Inert Gas Blend] B).	Acceptable	Until OSHA establishes applicable workplace requirements:	The Agency does not contemplate personnel remaining in the space after system discharge during a fire without Self Contained Breathing Apparatus (SCBA) as required by OSHA.
Total Flooding Agents.	<p>IG-55 systems may be designed to an oxygen level of 10% if employees can egress the area within one minute, but may be designed only to the 12% oxygen level if it takes longer than one minute to egress the area.</p> <p>If the possibility exists for the oxygen to drop below 10%, employees must be evacuated prior to such oxygen depletion.</p> <p>A design concentration of less than 10% may only be used in normally unoccupied areas, as long as any employee who could possibly be exposed can egress within 30 seconds.</p>	<p>EPA does not encourage any employee to intentionally remain in the area after system discharge, even in the event of accidental discharge. In addition, the system must include alarms and warning mechanisms as specified by OSHA.</p> <p>See additional comments 1, 2.</p>
	IG-01 (formerly [Inert Gas Blend] C).	Acceptable	<p>Until OSHA establishes applicable workplace requirements:</p> <p>IG-01 systems may be designed to an oxygen level of 10% if employees can egress the area within one minute, but may be designed only to the 12% oxygen level if it takes longer than one minute to egress the area.</p> <p>If the possibility exists for the oxygen to drop below 10%, employees must be evacuated prior to such oxygen depletion.</p>	<p>The Agency does not contemplate personnel remaining in the space after system discharge during a fire without Self Contained Breathing Apparatus (SCBA) as required by OSHA.</p> <p>EPA does not encourage any employee to intentionally remain in the area after system discharge, even in the event of accidental discharge. In addition, the system must include alarms and warning mechanisms as specified by OSHA.</p>

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO USE CONDITIONS: TOTAL FLOODING AGENTS—Continued

Application	Substitute	Decision	Conditions	Comments
			A design concentration of less than 10% may only be used in normally unoccupied areas, as long as any employee who could possibly be exposed can egress within 30 seconds.	See additional comments 1, 2.

1—Must conform with OSHA 29 CFR 1910 Subpart L Section 1910.160 of the U.S. Code.
 2—Per OSHA requirements, protective gear (SCBA) must be available in the event personnel must reenter the area.

ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: STREAMING AGENTS

Application	Substitute	Decision	Comments
Halon 1211 Streaming Agents	CF ₃ I	Acceptable in non-residential uses only.	

AEROSOLS—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
CFC-113, MCF and HCFC-141b as solvent.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

ADHESIVES, COATINGS AND INKS—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
CFC-113, MCF and HCFC-141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

[FR Doc. 96-12625 Filed 5-21-96; 8:45 am]
 BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 21

[MM Docket No. 94-131 and PP Docket No. 93-253, FCC 95-230]

Domestic Public Fixed Radio Services

CFR Correction

In title 47 of the Code of Federal Regulations, parts 20 to 39, revised as of October 1, 1995, in § 21.902 the first paragraph (c), (c)(1), and (c)(1)(i) beginning at the bottom of the first column on page 91 should be removed. In the second column paragraph (c)(1)(ii) was inadvertently omitted and should read as follows:

§ 21.902 Frequency interference.

* * * * *

(c) * * *
 (1) * * *

(ii) If the great circle path between the applicant's proposed transmitter and the protected service area of any authorized, or previously-proposed, cochannel or adjacent-channel station(s) is within 241.41 km (150 miles) or less and 90 percent or more of the path is over water or within 16.1 km (10 miles) of the coast or shoreline of the Atlantic Ocean, the Pacific Ocean, the Gulf of Mexico, any of the Great Lakes, or any bay associated with any of the above (see secs. 21.701(a), 21.901(a) and 74.902 of this chapter;

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BILLING CODE 1505-01-D

47 CFR Part 73

[MM Docket No.90-67, RM-7482, RM-7026, RM-7057]

Radio Broadcasting Services; Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg and Fort Lee, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document grants in part the petition for reconsideration filed by Capitol Broadcasting Company of Virginia, denies the petition for partial reconsideration filed by Keymarket of Virginia, Inc. and affirms the result in *Second Report and Order*, 57 FR 45578 (October 2, 1992). The *Second Report and Order* granted a change of community of license of Station WDCK(FM)(formerly WQSF(FM)) from Williamsburg to Fort Lee, Virginia. This document also dismisses a petition for