40 CFR Part 60

Delegation of authority

Correction

In title 40 of the Code of Federal Regulations, part 60, revised as of October 1, 1995, page 432 in the first column, § 60.699 is corrected by adding the following after the colon in paragraph (b):

§ 60.699 Delegation of authority.

(a) * * *

(b) * * *

§ 60.694 Permission to use alternative means of emission limitations.

BILLING CODE 1505–01–D

40 CFR Part 63

[AD–FRL–5517–8]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Notice of Availability of Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of guidance.

SUMMARY: This action announces the availability of guidance for the implementation of the national emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities promulgated in the Federal Register on September 22, 1993. The NESHAP was promulgated to minimize emissions of PCE, which has been listed by EPA as a hazardous air pollutant (HAP).

ADDRESSES: Docket. Docket Number A–95–16, which contains the guidance announced in this notice as Item Number V–B–1, is available for public inspection and copying between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday (except for government holidays) at The Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of documents may also be copied from The Air and Radiation Docket and Information Center by calling (202) 260–7548. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. George Smith at (919) 541–1549, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: National emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities were promulgated on September 22, 1993 (58 FR 49354), and amended on December 20, 1993 (58 FR 66287), as 40 CFR Part 63, subpart M. On December 20, 1993, the International Fabricare Institute (IFI), a trade association representing commercial and industrial dry cleaners nationwide, submitted a statement of issues to the U.S. Court of Appeals for the District of Columbia Circuit that challenged the NESHAP. The Agency subsequently entered into a settlement agreement with IFI to resolve IFI's issues. The settlement agreement between the litigants calls for EPA to issue written policy guidance concerning ''episodic'' exceedances of annual PCE consumption levels set forth in the NESHAP. The Agency has issued this guidance entitled, ''Settlement Agreement on Litigation of National Emission Standards for Hazardous Air Pollutants for Perchloroethylene Dry Cleaning Facilities,'' which is available in the docket and on EPA's Technology Transfer Network (TTN).

Anyone with a computer and a modem can download the guidance from the Clean Air Act Amendments bulletin board (under ''Recently Signed Rules'') of the TTN by calling (919) 541–5742. For further information about how to access the board, call (919) 541–5384.

Dated: May 20, 1996.

Lydia Wegman,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 96–14680 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 82

[FRL–5518–1]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of stay.

SUMMARY: This action temporarily extends a stay of the effectiveness of a certain reporting requirement in the petition process for the import of used class I controlled substances, but only extends the stay to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the requirement. In the Federal Register published January 31, 1996, EPA announced, pursuant to Clean Air Act section 307(d)(7)(B), a three-month administrative stay and reconsideration of this reporting requirement (61 FR 3316). The provision at issue is 40 CFR 82.13(g)(2)(viii), promulgated under sections 604 and 606 of the Clean Air Act, which requires the importer of a used class I controlled substance to certify that the purchaser of the controlled substance is liable for the tax.

In the same Federal Register published January 31, 1996, pursuant to Clean Air Act section 301(a)(1), EPA proposed an extension of the stay beyond the three-month administrative stay, but only to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question (61 FR 3361). This action finalizes the proposed extension. Sufficient concerns have been raised regarding this provision that EPA believes it is appropriate not only to reconsider the provision, but also to stay the requirement during the period of reconsideration, which will extend beyond the three-month period provided under the administrative stay.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Land, Stratospheric Protection Division, Office of Air and Radiation, U.S. Environmental Protection Agency (6205–J), 401 M Street, SW., Washington, DC 20460, (202) 233–9185. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those that wish to import used class I controlled ozone-depleting substances. Class I controlled ozone-depleting substances are listed in Appendix A of the Federal Register published May 10, 1995 (60 FR 4970). Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Importers of used class I ozone-depleting substances.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your company is regulated by this action, you should carefully examine the applicability criteria in § 82.13(g)(2) of the rule and/or applicability criteria in § 82.13(g)(2) of title 40 of the Code of

Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

In the Federal Register published January 31, 1996, EPA announced that, pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), the Agency was convening a proceeding for reconsideration of 40 CFR 82.13(g)(2)(viii), which requires an importer petitioning to import used class I controlled substances to certify that the purchaser of the controlled substance is liable for the tax (61 FR 3316). EPA had promulgated this provision as a final federal rule on May 10, 1995, under sections 604 and 606 of the Clean Air Act (60 FR 24970). Readers should refer to the notice of reconsideration for a complete discussion of the background and provision affected. In the notice of reconsideration EPA also announced a three-month administrative stay of the effectiveness of 40 CFR 82.13(g)(2)(viii) during reconsideration, pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B). In an accompanying notice, EPA proposed to extend the stay beyond the three-month administrative stay, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), but only to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question (61 FR 3361). EPA received one comment on this proposal, which is addressed below.

EPA did not complete reconsideration (including appropriate regulatory action) within the three-month period of the administrative stay, and is now extending the stay of this provision until the Agency completes reconsideration. The stay will extend until the effective date of EPA's final action following reconsideration of this rule.

EPA is staying the reporting requirement contained in 40 CFR 82.13(g)(2)(viii) and associated compliance dates in order to complete reconsideration of this provision, and take appropriate action, following the notice and comment procedures of section 307(d) of the Clean Air Act. If, after reconsideration of this provision, EPA determines that it is appropriate to impose new requirements that are stricter than the existing rules, EPA will propose an adequate compliance period from the date of final action on reconsideration. EPA will seek to ensure that the affected parties are not unduly prejudiced by the Agency's reconsideration. EPA expects that any EPA proposal regarding changes to the tax liability certification requirement for a petition for the import of used class I controlled substances would be subject to the notice and comment procedures of Clean Air Act section 307(d).

II. Comments

EPA received only one comment on the proposed extension of the stay. The commenter stated that further reconsideration of the reporting requirement is unnecessary because ''the Internal Revenue Service (IRS) has subsequently clarified that the tax is, indeed, due upon first sale or use after import.'' The commenter also stated that it supports EPA's petition process requiring all importers of used Class I substances to supply information to the Agency, including the certification of liability for the tax. The commenter was concerned that delay in imposing the full petition requirements could result in additional illegal CFCs entering the U.S.

EPA believes that a stay of the provision is appropriate to ensure that the Agency meets the procedural requirements for rulemaking and because a temporary stay should not unduly hinder EPA's enforcement of the requirements for imports of used Class I substances. On May 31, 1995, PAACO International, Inc., an importer of used class I controlled ozone-depleting substances, petitioned EPA for reconsideration of the certification provision at issue. The petitioner asserted that EPA did not give the public notice of the requirement and therefore it was ''impracticable to raise objections'' to the provision during the public comment period. The petitioner also claimed that the objections are of central relevance to the rule because it believes that ''purchasers'' are not liable for the tax, it could not certify liability, and it could not conduct its business under the rule. EPA granted the request for reconsideration and stay of the provision, recognizing that the proposed rule did not discuss the possibility of a certification of liability for taxes. EPA believes it would not be appropriate to reimpose the provision prior to conducting a notice and comment rulemaking on such provision.

Moreover, EPA believes the stay does not unduly hinder the Agency's ability to control illegal imports of used class I controlled substances. The stay only applies to the one certification requirement in § 82.13(g)(2)(viii), and the remainder of the petition requirement remains intact. In addition, the stay is temporary, and through the process of reconsidering the requirement, EPA will determine whether to conduct a rulemaking to reimpose the certification requirement or a variant thereof. To the extent that the comment urges EPA to retain the certification requirement as is, EPA will take the comment into account in reconsidering the certification requirement.

Thus, with today's action, EPA temporarily extends the stay of 40 CFR 82.13(g)(2)(viii) until EPA has completed final reconsideration (including any appropriate regulatory action) of the rule in question.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: June 3, 1996.

Carol M. Browner,

Administrator.

Part 82, chapter I, title 40, of the Code of Federal Regulations, is amended to read 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 82.13 is amended by adding paragraph (g)(2)(xi) to read as follows:

§ 82.13 Recordkeeping and reporting.

* * * * *

(g) * * *

(2) (xi) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.13(g)(2)(viii) is stayed from July 11, 1996 until the completion of the reconsideration of 40 CFR 82.13(g)(2)(viii).

* * * * *

[FR Doc. 96–14764 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 799

[OPPTS–42185A; FRL 5368–3]

RIN 2070–AB94

Testing Consent Order For Alkyl Glycidyl Ethers; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).