

Authority: 42 U.S.C. 7401-7671q.

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(80) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(80) On July 11, 1994, July 13, 1994, September 29, 1995, and December 22, 1995, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan (SIP) to satisfy those CO nonattainment area SIP

requirements for Denver and Longmont, Colorado due to be submitted by November 15, 1992, and further revisions to the SIP to shorten the effective period of the oxygenated fuels program. EPA is not taking action on the SIP provision submitted on July 11, 1994 that calls for a prohibition of the re-registration of abandoned and impounded vehicles.

(i) Incorporation by reference.

(A) Regulation No. 11, Motor Vehicle Emissions Inspection Program, 5 CCR 1001-13, as adopted on September 22, 1994, effective November 30, 1994. Regulation No. 13, Oxygenated Fuels

Program, 5 CCR 1001-16, as adopted on October 19, 1995, effective December 20, 1995.

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. In 81.306, the Carbon Monoxide table is amended by revising the entry for "Denver-Boulder Area" to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * *				
Denver-Boulder Area:				
The boundaries for the Denver nonattainment area for carbon monoxide (CO) are described as follows: Start at Colorado Highway 52 where it intersects the eastern boundary of Boulder County; Follow Highway 52 west until it intersects Colorado Highway 119; Follow northern boundary of Boulder city limits west to the 6000-ft. elevation line; Follow the 6000-ft. elevation line south through Boulder and Jefferson Counties to US 6 in Jefferson County; Follow US 6 west to the Jefferson County-Clear Creek County line; Follow the Jefferson County western boundary south for approximately 16.25 miles; Follow a line east for approximately 3.75 miles to South Turkey Creek; Follow South Turkey Creek northeast for approximately 3.5 miles; Follow a line southeast for approximately 2.0 miles to the junction of South Deer Creek Road and South Deer Creek Canyon Road; Follow South Deer Creek Canyon Road northeast for approximately 3.75 miles; Follow a line southeast for approximately five miles to the northern-most boundary of Pike National Forest where it intersects the Jefferson County-Douglas County line; Follow the Pike National Forest boundary southeast through Douglas County to the Douglas County-El Paso County line; Follow the southern boundary on Douglas County east to the Elbert County line; Follow the eastern boundary of Douglas County north to the Arapahoe County line; Follow the southern boundary of Arapahoe County east to Kiowa Creek; Follow Kiowa Creek northeast through Arapahoe and Adams Counties to the Adams-Weld County line; Follow the northern boundary of Adams County west to the Boulder County line; Follow the eastern boundary of Boulder County north to Highway 52.				
Adams County (part)	Nonattainment	4/9/97	Serious.
Arapahoe County (part)	Nonattainment	4/9/97	Serious.
Boulder County (part)	Nonattainment	4/9/97	Serious.
Denver County (part)	Nonattainment	4/9/97	Serious.
Douglas County (part)	Nonattainment	4/9/97	Serious.
Jefferson County (part)	Nonattainment	4/9/97	Serious.

¹ This date is November 15, 1990, unless otherwise noted.

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[FR Doc. 97-5765 Filed 3-7-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 82

[FRL-5701-1]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency.

ACTION: Notice of acceptability.

SUMMARY: This notice expands the list of acceptable substitutes for ozone-depleting substances (ODS) under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program.

EFFECTIVE DATE: March 10, 1997.

ADDRESSES: Information relevant to this notice is contained in Air Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone:

(202) 260-7548. The docket may be inspected between 8:00 a.m. and 5:30 p.m. weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT:

Sally Rand at (202) 233-9739 or fax (202) 233-9577, U.S. EPA, Stratospheric Protection Division, 401 M Street, S.W., Mail Code 6205J, Washington, D.C. 20460; EPA Stratospheric Ozone Protection Hotline at (800) 296-1996; EPA World Wide Web Site at <http://>

www.epa.gov/ozone/title6/snap/snap.html.

SUPPLEMENTARY INFORMATION:

- I. Section 612 Program
 - A. Statutory Requirements
 - B. Regulatory History
- II. Listing of Acceptable Substitutes
 - A. Refrigeration and Air Conditioning: Substitutes for Class I Substances
 - B. Foam Blowing
- III. Additional Information
- Appendix A—Summary of Acceptable Decisions

I. 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 substance to or delete a substance 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 6 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 compose the principal industrial sectors that historically consumed the largest volumes of ozone-depleting compounds.

As described in the final rule for the SNAP program (59 FR 13044), 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 substance. Consequently, by this notice EPA is adding substances to the list of acceptable alternatives without first requesting comment on new listings.

EPA does, however, believe that Notice-and-Comment rulemaking is required to place any substance on the list of prohibited substitutes, to list a substance as acceptable only under certain conditions, to list substances as acceptable only for certain uses, or to remove a substance from either the list of prohibited or acceptable substitutes. Updates to these lists are published as separate notices of rulemaking in the Federal Register.

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 substitute manufacturers, but may include importers, formulators or

end-users, when they are responsible for introducing a substitute into commerce.

EPA published Notices listing acceptable alternatives on August 26, 1994 (59 FR 44240), January 13, 1995 (60 FR 3318), July 28, 1995 (60 FR 38729), February 8, 1996 (61 FR 4736), and September 5, 1996 (61 FR 47012), and published Final Rulemakings restricting the use of certain substitutes on June 13, 1995 (60 FR 31092), May 22, 1996 (61 FR 25585), and October 16, 1996 (61 FR 54030).

II. Listing of Acceptable Substitutes

This section presents EPA's most recent acceptable listing decisions for substitutes for class I and class II substances in the following industrial sectors: refrigeration and air conditioning, and foam blowing. In this Notice, EPA has split the refrigeration and air conditioning sector into two parts: substitutes for class I substances and substitutes for class II substances. For copies of the full list, contact the EPA Stratospheric Protection Hotline at (800) 296-1996.

Parts A through C below present a detailed discussion of the substitute listing determinations by major use sector. Tables summarizing today's listing decisions are in Appendix A. The comments contained in Appendix A provide additional information on a substitute, but for listings of acceptable substitutes, they are not legally binding under section 612 of the Clean Air Act. Thus, adherence to recommendations in the comments is not mandatory for use as a substitute. In addition, the comments should not 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 to their use 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: Class I

1. Secondary Loop Systems

In the Notice published September 5, 1996 (61 FR 47012) EPA solicited information about fluids used in secondary loop systems. EPA believes that the use of secondary fluids offers potential environmental and safety benefits, and requested this information to determine whether it would be

appropriate to list secondary fluids formally under the SNAP program.

EPA received no comments or information supporting the listing of these fluids under SNAP. In fact, one company provided information urging EPA to not list secondary fluids under SNAP. The company expressed concern that listing secondary fluids would discourage their use and would be extremely burdensome to the Agency and the regulated community. The company also indicated that EPA had vastly underestimated the number and variety of fluids used as secondary fluids.

EPA has decided not to list secondary fluids under SNAP based on the above discussion and the lack of information or data suggesting that the use of these fluids in secondary loops poses any environmental or safety risk. EPA is also sensitive to the resources required for preparing submissions, reviews, and listings and to the disincentive that regulating them may create. However, EPA will keep abreast of new secondary fluids as they are introduced in the market, and may revisit this decision as appropriate. EPA will also include information about secondary fluids in outreach materials and encourage their use where the potential for environmental and safety benefits could be attained.

2. Acceptable Substitutes

Note that EPA acceptability does not mean that a given substitute will work in a specific type of equipment within an end-use. Engineering expertise must be used to determine the appropriate use of these and any other substitutes. In addition, although some alternatives are listed for multiple refrigerants, they may not be appropriate for use in all equipment or under all conditions.

a. HFC-236fa. HFC-236fa, when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC-236fa in a single step, is acceptable as a substitute for CFC-114 in industrial process

refrigeration. HFC-236fa does not harm the ozone layer because it does not contain chlorine. HFC-236fa has an extremely high 100-year GWP of 6,300, but its lifetime is considerably shorter than that of perfluorocarbons. HFC-236fa is the only alternative submitted to date that is safe for the ozone layer, is low in toxicity, and can be a substitute in industrial process heat pumps. Note that the prohibition on venting, which applies to all substitute refrigerants, was mandated in section 608(c)(2) and took effect on November 15, 1995.

EPA is aware of several methods for manufacturing HFC-236fa, including one that produces HFC-236fa directly from PFIB. PFIB is an extremely toxic substance that could pose risks in very small concentrations. Thus, EPA believes it is appropriate to distinguish among the different methods for producing HFC-236fa.

B. Foam Blowing

1. Acceptable Substitutes

a. Polyisocyanurate and Polyurethane Rigid Boardstock Foam. (a) Saturated Light Hydrocarbons C3-C6. Saturated Light Hydrocarbons C3-C6 are acceptable substitutes for HCFCs in polyisocyanurate and polyurethane rigid boardstock foam. Hydrocarbons are more flammable than CFCs and HCFCs and use would likely require additional investment to assure safe handling, use and shipping. These hydrocarbons have zero global warming potential (GWP) but are volatile organic compounds (VOCs) and must be controlled as such under Title I of the Clean Air Act. Relevant building codes and other safety requirements necessary for use of hydrocarbon-blown boardstock foam would have to be met.

b. Polyurethane Rigid Appliance Foam. (a) HFC-134a. HFC-134a (or blends thereof) is an acceptable substitute for HCFCs in polyurethane rigid appliance foam. HFC-134a has low toxicity and is non-flammable. However, HFC-134a has relatively high

thermal conductivity and has the potential to contribute to global warming.

(b) Saturated light hydrocarbons C3-C6. Saturated light hydrocarbons C3-C6 (or blends thereof) are acceptable substitutes for HCFCs in polyurethane rigid appliance foam. Hydrocarbons are more flammable than CFCs and HCFCs and use would likely require additional investment to assure safe handling and use. These hydrocarbons have zero global warming potential (GWP) but are volatile organic compounds (VOCs) and must be controlled as such under Title I of the Clean Air Act.

(c) Carbon dioxide. Carbon dioxide (or blends thereof) is an acceptable alternative to HCFCs in polyurethane appliance foam.

III. Additional Information

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. (Eastern Standard Time).

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. This Notice may also be obtained on the World Wide Web at <http://www.epa.gov/ozone/title6/snap/snap.html>.

List of Subjects in 40 CFR Part 82

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

Dated: February 28, 1997.

Mary D. Nichols,
Assistant Administrator for Air and Radiation.

Note: The following Appendix will not appear in the Code of Federal Regulations.

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS, REFRIGERATION SECTOR

[Acceptable Decisions]

End-use	Substitute	Decision	Comments
CFC-114, Industrial Process Refrigeration.	HFC-236fa	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC-236fa in a single step, is acceptable as a substitute for CFC-114 in industrial process refrigeration.	

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS, REFRIGERATION SECTOR—Continued
[Acceptable Decisions]

End-use	Substitute	Decision	Comments
Foam Sector—Acceptable Decisions			
HCFCs Rigid polyurethane and polyisocyanurate laminated boardstock.	Saturated Light Hydrocarbons C3–C6.	Acceptable	Zero ODP and GWP but must adhere to VOC regulations. Flammable.
HCFCs Rigid polyurethane appliance.	HFC–134a	Acceptable	Non-flammable and low toxicity but may contribute to global warming.
Saturated Light Hydrocarbons C3–C6	Acceptable	Zero ODP and GWP but must adhere to VOC regulations. Flammable..	
	Carbon Dioxide	Acceptable	High thermal conductivity.

[FR Doc. 97–5887 Filed 3–7–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180**[OPP–300459; FRL–5591–9]****RIN AB–78****Sulfentrazone; Establishment of Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This document establishes tolerances for residues of the herbicide sulfentrazone (N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide) and its major metabolite 3-hydroxymethyl sulfentrazone (N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide), in or on the raw agricultural commodity soybean seed at 0.05 ppm and for combined inadvertent residues of sulfentrazone, and its metabolites, 3-hydroxymethyl sulfentrazone and 3-desmethyl sulfentrazone [N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide] in cereal grains (excluding sweet corn) forage at 0.2 ppm, straw at 0.6 ppm, hay at 0.2 ppm, grain at 0.1 ppm, stover at 0.1 ppm, bran at 0.15 ppm and hulls at 0.30 ppm. FMC Corporation submitted a petition to EPA under the Federal Food, Drug and Cosmetic Act as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170) requesting the tolerances.

EFFECTIVE DATE: This regulation becomes effective March 10, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [PF–670/OPP–

300459], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled Tolerance Petition Fees and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically to the OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number PF–670/OPP–300459. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM) 23, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis

Hwy., Arlington, VA 22202, (703)-305-6224; e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 6, 1996 (60 FR 57420) (FRL–5571–4), EPA issued a notice pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), announcing the filing of a pesticide tolerance petition by FMC Corporation, 1735 Market Street, Philadelphia, PA 19103. The petition requested to amend 40 CFR part 180 by establishing a tolerance for residues of the herbicide sulfentrazone (N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide) in or on raw agricultural commodity soybean seed at 0.05 ppm and rotational crop tolerances in cereal grains from 0.1 to 0.5 ppm. There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of these tolerances.

I. Toxicological Profile

1. A battery of acute toxicity studies placed technical sulfentrazone in Toxicity Categories III and IV. No evidence of sensitization was observed following dermal application in guinea pigs.

2. A 90-day subchronic toxicity study was conducted in rats, with dietary intake levels of 0, 3.3, 6.7, 19.9, 65.8, 199.3, or 534.9 mg/kg/day for males and 0, 4, 7.7, 23.1, 78.1, 230.5, or 404.3 milligrams/kilograms/day (mg/kg/day) for females respectively. No Observed Effect Levels (NOELs) of 19.9 mg/kg/day in males and 23.1 mg/kg/day in females were based on clinical anemia.

3. A 90-day subchronic feeding study was conducted in mice by dietary admix