

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 82

[FRL-5149-4]

Protection of Stratospheric Ozone
AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed stay.

SUMMARY: In the Rules Section of today's **Federal Register**, EPA is announcing a three-month administrative stay and reconsideration of a provision of the refrigerant recycling regulations promulgated under section 608 of the Clean Air Act that restricts the sale of class I and class II refrigerants contained in appliances without fully assembled refrigerant circuits. That action stays the effectiveness of 40 CFR 82.154 (m), including the applicable compliance date, only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits.

This notice proposes, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), to stay temporarily the effectiveness of this provision, and applicable compliance dates, 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.

DATES: Written comments on this proposal must be received by March 9, 1995. Requests for a hearing should be submitted to Deborah Ottinger by February 17, 1995. Interested persons may contact the Stratospheric Ozone Hotline at the phone number given below to see if a hearing will be held and the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

ADDRESSES: Written comments on this proposed action should be addressed to Public Docket No. A-92-01 VIII.E, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M-1500. All supporting materials are contained in Docket A-92-01. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Deborah Ottinger, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air

and Radiation (6205-J), 401 M Street, SW., Washington, DC 20460, (202)233-9200. The Stratospheric Ozone Information Hotline at 1-800-296-1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: In the rules Section of today's **Federal Register**, EPA announces that pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), it is convening a proceeding for reconsideration of a provision of the refrigerant recycling regulations promulgated under section 608 of the Clean Air Act that restricts the sale of class I and class II refrigerants contained in appliances without fully assembled refrigerant circuits (59 FR 55912, November 9, 1994). Readers should refer to that notice for a complete discussion of the background and rules affected. In that notice EPA also announces a three-month stay of that provision during reconsideration. However, if EPA cannot complete reconsideration (including appropriate regulatory action) within the three-month period expressly provided by CAA § 307(d)(7)(B), then it may be appropriate to extend the stay of this provision until EPA completes reconsideration. By this action, EPA proposes a temporary extension of the stay beyond the three-month administrative stay to the extent necessary to complete reconsideration of the rule in question. If EPA takes final action to impose this proposed stay, the stay will extend until the effective date of EPA's final action following reconsideration of this rule.

By this notice EPA hereby proposes, pursuant to Clean Air Act sections 301(a)(1), 42 U.S.C. 7601(a)(1), a temporary stay of the effectiveness of 40 CFR 82.154 (m), including the applicable compliance date, only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, promulgated as a final federal rule requiring restrictions on the sale of class I and class II refrigerants (59 FR 55912, November 9, 1994). Please refer to the notice of stay and reconsideration in the Rules section of today's **Federal Register** for EPA's statement of its reasons for staying and reconsidering this provision. Pursuant to the rulemaking procedures set forth in section 307(d) of the Clean Air Act, EPA hereby requests comment on such a proposed stay.

EPA is proposing this temporary stay of the rule and associated compliance date in order to complete reconsideration of this rule, and,

following the notice and comment procedures of section 307(d) of the Clean Air Act, take appropriate action. If, after reconsideration of these provisions, EPA determines that it is appropriate to impose restrictions on the sale of class I and class II refrigerants 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 sales restriction provision and the appropriate compliance period would be subject to the notice and comment procedures of Clean Air Act section 307(d).

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: January 27, 1995.

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 82.154 is amended by revising paragraph (m)(9) to read as follows:

§ 82.154 Prohibitions.

* * * * *

(m) * * *

(9) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.154(m), only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, is stayed from (Date of Publication of Final Action) until the completion of the reconsideration of 40 CFR 82.154(m).

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