

This notice of receipt of applications for modification of exemptions and for party to an exemption is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on May 11, 1995.

**J. Suzanne Hedgepeth,**

*Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.*

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**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

[Notice No. 811]

**Appointments of Individuals To Serve as Members of the Performance Review Board (PRB); Senior Executive Service**

**SUMMARY:** Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Performance Review Board for the Bureau of Alcohol, Tobacco and Firearms (ATF) for the rating year beginning July 1, 1994, and ending June 30, 1995. This notice effects changes in the membership of the ATF PRB previously appointed April 12, 1989 (54 FR 14730).

The *names* and *titles* of the ATF PRB members are as follows:

Bradley A. Buckles, Acting Chief Counsel, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

John A. Dooher, Director, Washington Office, Federal Law Enforcement Training Center, Department of the Treasury

Suellen P. Hamby, Executive Director, Treasury Executive Institute, Department of the Treasury

**FOR FURTHER INFORMATION CONTACT:** Steve L. Mathis, Personnel Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927-8600.

Signed: May 10, 1995.

**John W. Magaw,**

*Director.*

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**Internal Revenue Service**

**Tax on Certain Imported Substances (Hexabromocyclododecane, et al.); Notice of Determinations**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice announces determinations, under Notice 89-61, that the list of taxable substances in section 4672(a)(3) will be modified to include hexabromocyclododecane and ethylenebistetabromophthalimide.

**EFFECTIVE DATE:** This modification is effective October 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 622-3130 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under section 4672(a), an importer or exporter of any substance may request that the Secretary determine whether that substance should be listed as a taxable substance. The Secretary shall add the substance to the list of taxable substances in section 4672(a)(3) if the Secretary determines that taxable chemicals constitute more than 50 percent of the weight, or more than 50 percent of the value, of the materials used to produce the substance. This determination is to be made on the basis of the predominant method of production. Notice 89-61, 1989-1 CB 717, sets forth the rules relating to the determination process.

**Determination**

On May 8, 1995, the Secretary determined that hexabromocyclododecane and ethylenebistetabromophthalimide should be added to the list of taxable substances in section 4672(a)(3), effective October 1, 1993.

The rate of tax prescribed for hexabromocyclododecane, under section 4671(b)(3), is \$4.55 per ton. This is based upon a conversion factor for bromine of 0.747 and a conversion factor for butadiene of 0.253.

The rate of tax prescribed for ethylenebistetabromophthalimide, under section 4671(b)(3), is \$4.51 per ton. This is based upon a conversion factor for bromine of 0.672, a conversion factor for ethylene of 0.029, a conversion factor for xylene of 0.223, a conversion factor for ammonia of 0.036, and a conversion factor for chlorine of 0.075.

The petitioner is Ethyl Corporation, a manufacturer and exporter of these substances. No material comments were received on these petitions. The following information is the basis for the determinations.

**Hexabromocyclododecane**

HTS number: 2903.59.00.00

CAS number: 3194-55-6

Hexabromocyclododecane is derived from the taxable chemicals bromine and butadiene. Hexabromocyclododecane is a solid produced predominantly by reacting cyclododecatriene with bromine in a solvent system, followed by a neutralization, a centrifugation, a strip, a wash, drying, and grinding (as required).

The stoichiometric material

consumption formula for hexabromocyclododecane is:

$3 \text{ Br}_2$  (bromine) +  $3 \text{ C}_4\text{H}_6$  (butadiene)

—→  $\text{C}_{12}\text{H}_{18}\text{Br}_6$

(hexabromocyclododecane)

Hexabromocyclododecane has been determined to be a taxable substance because a review of its stoichiometric material consumption formula shows that, based on the predominant method of production, taxable chemicals constitute 100 percent by weight of the materials used in its production.

**Ethylenebistetabromophthalimide**

HTS number: 2925.19.10.00

CAS number: 32588-76-4

Ethylenebistetabromophthalimide is derived from the taxable chemicals bromine, ethylene, xylene, ammonia, and chlorine.

Ethylenebistetabromophthalimide is a solid produced predominantly by sulfonating and brominating phthalic anhydride in the presence of oleum and then hydrolyzing the resulting tetrabromophthalic anhydride in the presence of a solvent system and reacting it with ethylene diamine. The resulting ethylenebistetabromophthalimide is centrifuged, washed, dried/converted, milled, and packaged.

The stoichiometric material

consumption formula for ethylenebistetabromophthalimide is:

$4 \text{ Br}_2$  (bromine) +  $\text{C}_2\text{H}_4$  (ethylene) +  $2$

$\text{C}_8\text{H}_{10}$  (o-xylene) +  $2 \text{ NH}_3$  (ammonia)

+  $\text{Cl}_2$  (chlorine) +  $6 \text{ O}_2$  (oxygen) +  $8$

$\text{SO}_3$  (sulfur trioxide) —→

$\text{C}_{18}\text{H}_4\text{O}_4\text{N}_2\text{Br}_8$

(ethylenebistetabromophthalimide) +

$8 \text{ H}_2\text{O}$  (water) +  $4 \text{ SO}_2$  (sulfur dioxide)

+  $4 \text{ H}_2\text{SO}_4$  (sulfuric acid) +  $2 \text{ HCl}$

(hydrochloric acid)

Ethylenebistetabromophthalimide has been determined to be a taxable substance because a review of its