

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).

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

BILLING CODE 6560–50–P

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).

ACTION: Final consent agreement and order; technical amendment.

SUMMARY: EPA is issuing a technical amendment to the final rule published in the Federal Register on March 22, 1996 (61 FR 11740) announcing the testing consent order and enforceable consent agreement (ECA) for alkyl glycidyl ethers (AGEs) in order to reflect the export notification provision of the ECA. Under the ECA, export notification is required for all AGEs represented by the test substance in the ECA.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. ET-543B, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail:

TSCAHotline@epamail.epa.gov. For technical information contact: Keith Cronin, Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460,

telephone: 202-260-8157, fax: 202-260-1096, e-mail: cronin.keith@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is issuing a technical amendment to the notice announcing the testing consent order (Order) incorporating the ECA for AGEs that was published in the Federal Register on March 22, 1996 (61 FR 11740) (FRL-5356-7). Under the terms of the ECA, Air Products and Chemicals, Inc., Callaway Chemical Company, Ciba-Geigy Corporation, CVC Specialty Chemicals, and Shell Chemical Company (the Companies) agreed to perform certain health effects tests on alkyl (C₁₂-C₁₃) glycidyl ether (CAS No.

120547-52-6), as a representative of subcategory II-A (the AGEs) of EPA's proposed test rule for the category glycidol and its derivatives (56 FR 57144, November 7, 1991). A summary of the ECA and its background are provided in the Federal Register notice of March 22, 1996.

The March 22, 1996 Federal Register notice was supposed to summarize the exact terms of the ECA and add the names of the affected chemicals to the list of chemical substances and mixtures in 40 CFR 799.5000 for which export notification is required under 40 CFR 799.19; however, the notice inadvertently contained a different export notification provision than that contained in the ECA. The ECA requires export notification for all members of the AGEs subcategory; the Federal Register notice indicates that export notification is required solely for alkyl (C₁₂-C₁₃) glycidyl ether. This notice corrects the export notification provision set forth in the March 22, 1996 Federal Register notice to reflect the export notification provision of the ECA.

Accordingly, Unit V, "Export Notification", of the March 22, 1996 Federal Register notice is corrected to read as follows:

The issuance of the ECA and Order subjects any persons who export or intend to export AGEs, of any purity, to the export notification requirements of section 12(b) of TSCA. The listing of a chemical substance or mixture at 40 CFR 799.5000 serves as notification to persons who export or intend to export such chemical substance or mixture that the substance or mixture is the subject of an ECA and Order and that 40 CFR part 707 applies.

This notice also amends 40 CFR 799.5000 to add the AGEs, represented by alkyl (C₁₂-C₁₃) glycidyl ether, to the

list of chemicals for which export notification is required. Alkyl (C₁₂-C₁₃) glycidyl ether was added to the list by the March 22, 1996 Federal Register notice and remains on the list.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 29, 1996.

Lynn R. Goldman,
Assistant Administrator for Prevention,
Pesticides, and Toxic Substances.

Therefore, title 40 of the Code of Federal Regulations, chapter I, subchapter R, part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding to the table in CAS number order the following members of the alkyl glycidyl ethers subcategory of the category glycidol and its derivatives, as represented by alkyl (C₁₂-C₁₃) glycidyl ether (CAS No. 120547-52-6): lauryl glycidyl ether (CAS No. 2461-18-9); hexadecyl glycidyl ether (CAS No. 15965-99-8); *n*-octadecyl glycidyl ether (CAS No. 16245-97-9); tetradecyl glycidyl ether (CAS No. 38954-75-5); alkyl (C₁₀-C₁₆) glycidyl ether (CAS No. 68081-84-5); and alkyl (C₁₂-C₁₄) glycidyl ether (CAS No. 68609-97-2). The amendment to the table reads as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

* * * * *

| CAS Number | Substance or mixture name | Testing | FR publication date |
|------------|-----------------------------------------------------------------------|----------------|---------------------|
| * * * * * | | | |
| 2461-18-9 | Lauryl Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| 15965-99-8 | Hexadecyl Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| 16245-97-9 | <i>n</i> -Octadecyl Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| 38954-75-5 | Tetradecyl Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| 68081-84-5 | Alkyl (C ₁₀ -C ₁₆) Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| 68609-97-2 | Alkyl (C ₁₂ -C ₁₄) Glycidyl Ether ¹ | Health Effects | June 11, 1996 |
| * * * * * | | | |

¹ As represented by alkyl (C₁₂-C₁₃) glycidyl ether (CAS No. 120547-52-6)

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BILLING CODE 6560-50-F

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 65**

[Docket No. FEMA-7183]

**Changes in Flood Elevation
Determinations****AGENCY:** Federal Emergency
Management Agency, FEMA.**ACTION:** Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646-2756.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

| State and county | Location | Dates and name of newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|-------------------------|----------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| Florida: Duval | City of Jacksonville | April 15, 1996, April 22, 1996, <i>The Florida Times-Union</i> . | The Honorable John Delaney, Mayor of the City of Jacksonville, 220 East Bay Street, 14th Floor, Jacksonville, Florida 32202-3495. | April 8, 1996 | 120077 E |
| New Jersey: Union | Borough of Kenilworth | April 10, 1996, April 17, 1996, <i>Cranford Chronicle</i> . | The Honorable Michael Tripodi, Mayor of the Borough of Kenilworth, 567 Boulevard, Kenilworth, New Jersey 07033. | April 3, 1996 | 340466 B |