

are comprised of government guaranteed mortgage loans shall be included in this asset category.

(4) Loans to other credit unions that have a remaining maturity of 5 years or less.

(5) Student loans insured under the provisions of title IV, Part B of the Higher Education Act of 1965 (20 U.S.C. 1071, et seq.) or similar state insurance programs that have a remaining maturity of 5 years or less.

(6) Loans that have a remaining maturity of 5 years or less and are fully insured or guaranteed by the Federal or a state government or any agency of either.

(7) Shares or deposits in a corporate credit union that have a remaining maturity of 5 years or less, other than Membership Capital Share Deposit accounts as defined in Part 704. * * *

(15) Assets included in numbered items 2, 3, 4, 5, 6, and 7 with maturities greater than 5 years are exempt from risk assets if the asset is being carried on the credit union's records at the lower of cost or market, or are being marked to market value monthly.

(16) Assets included in numbered items 2, 3, 4, 5, 6, and 7, with remaining maturities greater than 5 years are exempt from risk assets provided they meet the following criteria, irrespective of whether or not the asset is being carried on the credit union's records at the lower of cost or market, or are being marked to market value monthly: * * *

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

3. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787 and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717.

Section 701.31 is also authorized by 15 U.S.C. 1601 et seq., 42 U.S.C. 1861 and 42 U.S.C. 1861 and 42 U.S.C. 3601-3610.

\$701.21 [Amended]

4. Section 701.21(c)(5) is amended by removing "shares" and inserting in lieu thereof "capital."

5. Section 701.21 is amended by revising paragraphs (h)(1)(i)(C) and (h)(5) to read as follows:

\$701.21 Loans to members and lines of credit to members.

- (h) * * *
- (1) * * *
- (i) * * *

(C) A loan meeting the general definition of member business loans under this paragraph (h)(1)(i), and, made to a borrower or an associated member (as defined in paragraph (h)(1)(iii) of this section), which when added to other such loans to the borrower or associated member, is less than \$50,000.

(5) **Recordkeeping.** All loans, lines of credit, or letters of credit, that meet the definition of Section 701.21(h)(1)(i), shall be separately identified in the records of the credit union and reported as such in financial and statistical reports required by the National Credit Union Administration.

PART 722—APPRAISALS

6. The authority citation for part 722 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789 and Pub. L. No. 101-73.

7. Section 722.3 is amended by revising paragraphs (a)(1) and (d) as follows:

\$722.3 Appraisals not required; transactions requiring a State-certified or -licensed appraiser.

(a) **Appraisals not required.** An appraisal performed by a state-certified or -licensed appraiser is not required for any real estate-related financial transaction in which:

(1) The transaction value is \$100,000 or less;

(d) **Valuation requirement.** Secured transactions exempted from appraisal requirement pursuant to paragraph (a)(1) of this section (transactions of \$100,000 or less) and not otherwise exempted from this regulation shall be supported by a written estimate of market value, as defined in this regulation, performed by an individual having no direct or indirect interest in the property, and qualified and experienced to perform such estimates of value for the type and amount of credit being considered.

[FR Doc. 93-17478 Filed 7-26-93; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: This rule amends the Haitian Transactions Regulations to add an Appendix to the end thereof containing the names of persons whom the Director of the Office of Foreign Assets Control has determined are included within the definition of the "de facto regime in Haiti." Property of these persons that is located in the United States or within the possession or control of U.S. persons is blocked, and most transactions with these persons are prohibited.

EFFECTIVE DATE: July 22, 1993.

ADDRESSES: Copies of this list are available upon request at the following location: Office of Foreign Assets Control, U.S. Department of the Treasury, Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220 (tel.: 202/622-2520).

FOR FURTHER INFORMATION CONTACT: J. Robert McBrien, Chief, International Programs Division (tel.: 202/622-2420), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: The Haitian Transactions Regulations, 31 CFR part 580 (the "Regulations"), were issued by the Treasury Department to implement Executive Order Nos. 12775 (56 FR 50641, October 7, 1991) and 12779 (56 FR 55975, October 30, 1991), in which the President declared a national emergency with respect to Haiti, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and ordering specific measures against the *de facto* regime in Haiti.

This rule adds an appendix to part 580 to establish a list of persons whom the Director of the Office of Foreign Assets Control has determined pursuant to § 580.303(a) of the Regulations to be included within the definition of the "de facto regime in Haiti." Section 580.303 of the Regulations defines the term "de facto regime in Haiti" as follows:

(a) The term *de facto regime in Haiti* includes:

(1) Those who seized power illegally from the democratically elected government of President Jean-Bertrand Aristide on September 30, 1991, and any agencies, instrumentalities or entities purporting to act on behalf of the *de facto regime in Haiti* or under the asserted authority thereof, or any extraconstitutional successor thereto;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such

person is, or has been, since 12:23 p.m., e.d.t., October 4, 1991, acting or purporting to act directly or indirectly on behalf of any of the foregoing; or

(4) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section. Such determinations shall be published from time to time in the Federal Register, but shall be binding prior to such publication upon any person receiving actual notice thereof.

(b) A partnership, association, corporation, or other organization shall not be deemed to fall within the definition of the *de facto* regime in Haiti solely by reason of being located in, organized under the laws of, or having its principal place of business in, Haiti.

Transfers or payments to the persons included in the appendix constitute transfers to the *de facto* regime within the meaning of § 580.202 of the Regulations, and are prohibited unless made into blocked accounts as authorized by the Regulations. Property and interests in property of the persons

included in the appendix constitute property and interests in property of the Government of Haiti within the meaning of § 580.201 of the Regulations, and are blocked.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of Subjects in 31 CFR Part 580

Blocking of assets, Haiti, Specially designated nationals, Transfers of assets.

For the reasons set forth in the preamble, 31 CFR part 580 is amended as set forth below:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 580 is revised to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; E.O. 12775, 56 FR 50641, 3 CFR, 1991 Comp., p. 349; E.O. 12779, 56 FR 55975, 3 CFR, 1991 Comp., p. 367; E.O. 12853, 58 FR 35843, July 2, 1993.

2. Part 580 is amended to add at the end thereof Appendix A to read as follows:

Appendix A to Part 580—Blocked Persons of the De Facto Regime in Haiti

Note: The information listed below is the most complete information now available to the Office of Foreign Assets Control. Listed persons meet the definition of "*de facto* regime in Haiti" whether located within Haiti or outside. The absence of any particular person from the appendix is not to be construed as evidence that the person is not a part of, or owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the *de facto* regime in Haiti.

I. BLOCKED INDIVIDUALS OF THE DE FACTO REGIME IN HAITI:

Name	DOB	Title	Address
Atouriste, Antoine, Colonel.	03 Jul 51	Director (Directeur), Center of Central Information (C.I.C.C.) [anti-narcotics].	
Augustin, Henry Robert (Henri-Robert), Colonel.	21 Jun 51	Military Attache (Attaché Militaire), Venezuela	
Backer, Jacques (a.k.a. Baker, Jacques).	01 Mar 40	Minister (Ministre) of Agriculture, Natural Resources and Rural Development (Ministère de l'Agriculture, des Ressources Naturelles et du Développement Rural, a.k.a. Mamdr).	Damien, Port-au-Prince, Haiti.
Barrault, Emmanuel		Deputy Director (Directeur Adjoint), National Water Service (Service National d'Eau Potable, a.k.a. SNEP).	Delmas 45—Delmas Road, Port-au-Prince, Haiti.
Bazin, Marc L.	06 Mar 32	Former <i>de facto</i> Prime Minister	
Beaubrun, Mondesir, Colonel.	10 May 49	Commander of the Southern Military Department (Commandant, Département Militaire du Sud).	
Bélizaire, Diderot		Deputy Minister (Député Ministre) of Foreign Affairs and Worship.	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haiti.
Benjamin, Dumas		Deputy Governor General (Gouverneur Adjoint), Central Bank, a.k.a. Bank of the Republic of Haiti (Banque de la République d'Haiti, a.k.a. BRH).	Angle rue du Magasin de l'Etat et rue des Miracles, BP 1570, Port-au-Prince, Haiti.
Benoît, François	02 May 36	Minister (Ministre) of Foreign Affairs and Worship	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haiti.
Blamby, Philippe, Brigadier General.	21 Sep 52	Chief of the General Staff (Chef d'Etat-Major Général) of the Haitian Armed Forces, FAD'H (Force Armée d'Haiti).	
Blanc, Paul Ludovic		Deputy Director (Directeur Adjoint), National Insurance, a.k.a. Old Age Insurance (Office National d'Assurance Vieillesse, a.k.a. ONA).	Champ de Mars, Port-au-Prince, Haiti.
Boncard, Arnoux	21 Jan 35	Director (Directeur), Government Industrial Park, a.k.a. National Office for Industrial Parks, National Industrial Park Company (Société Nationale des Parcs Industriels, a.k.a. SONAPI).	122 East 40th Street, Brooklyn, New York 11203, USA; Industrial Park, P.O. Box 2345, Port-au-Prince, Haiti.
Brandt, Clifford	20 Apr 19	President and Director General, Banque de l'Union Haïtienne, S.A. (a.k.a. BUH).	Angle rues du Qual et Bonne Foi, P.O. Box 275, Port-au-Prince, Haiti.
Brutus, André	06 Aug 43	Minister (Ministre) of Social Affairs	Rue de la Révolution, Port-au-Prince, Haiti; rue de Centre No. 134, Port-au-Prince, Haiti.
Callixte, André	13 Jul 40	Minister (Ministre) of Information and Coordination	300 route de Delmas, Port-au-Prince, Haiti.
Carre, Max		Minister (Ministre) of Education, Youth and Sports, a.k.a. MENJS.	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haiti.
Carrenard, Philippe, Colonel.	14 May 49	Military Attache (Attaché Militaire), Santo Domingo, Dominican Republic.	

I. BLOCKED INDIVIDUALS OF THE DE FACTO REGIME IN HAITI:—Continued

Name	DOB	Title	Address
Cedras, Raoul, Lieutenant General.	09 Jul 49	Chief of Staff (Commandant en Chef) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Cine, Jean Robert		Deputy Director General (Directeur Adjoint), Cement Company (Le Ciment d'Haïti, SA, a.k.a. CDH).	Office Cité de l'Exposition, Port-au-Prince, Haïti; Fond Mombin, Port-au-Prince, Haïti.
Claude, Bonivert	02 Feb 45	Governor General (Gouverneur Général), Central Bank, a.k.a. Bank of the Republic of Haïti (Banque de la République d'Haïti, a.k.a. BRH).	Angle rue du Magasin de l'État et rue des Miracles, BP 1570, Port-au-Prince, Haïti.
Delaunay, Joseph Gracien, Colonel.	21 Jan 49	Military Attache (Attaché Militaire), Rome	
Delsoin, Jean Robert		Deputy Minister (Député Ministre) of Commerce and Industry.	Port-au-Prince, Haïti.
Démosthène, Paul		Deputy Minister (Député Ministre) of Planning and External Cooperation (Planification et Coopération Extérieure).	Port-au-Prince, Haïti.
Douby, Frantz, Colonel.	19 Jan 48	Chief of Staff for Logistics, G-4 of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Duperval, Jean-Claude, Major General.	19 Feb 47	Assistant Commander in Chief (Assistant Commandant en Chef) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Dutreuil, Jean-Marie	30 May 50	Deputy Director (Directeur Adjoint), Office for Permanent Maintenance of Road Network (Service d'Entretien Permanent du Réseau Routier National, a.k.a. SEPRRN).	Boite Vertallis No. 1, Port-au-Prince, Haïti; Varreux—National Road, 10 Varreux Road, Port-au-Prince, Haïti.
Elysee (a.k.a. Elyzee, a.k.a. Elizee), Yonel "Son Son".	19 Jul 51		Delmas 95, Route Jacquet No. 15, Port-au-Prince, Haïti; 1761 S.W. 83rd Terrace, Miramar, Florida 33025, USA; 8558 S.W. 114th Place, Miami, Florida 33173-4244, USA; 8999 S.W. 123rd Court, Miami, Florida 33186, USA; P.O. Box 570743, Miami, Florida 33257, USA; Yoneli Import-Export, Route Nationale No. 1, Rue Duvier, P.O. Box 914, Port-au-Prince, Haïti.
Fils, Georges Henry		Deputy Minister (Député Ministre) of Economy and Finance, a.k.a. MEF.	Palais des Ministères, Port-au-Prince, Haïti.
Forestant, Joseph Lemoine, Colonel.	18 Nov 49	Military Attache (Attaché Militaire), Washington, DC	
Florival, Jean	01 Feb 30	Deputy Minister (Député Ministre) of Foreign Affairs and Worship.	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti.
Fort, Wiener (a.k.a. Fort, Weiner).	15 Oct 41	Minister (Ministre) of Economy and Finance, a.k.a. MEF	Palais des Ministères, Port-au-Prince, Haïti.
François, Guy	04 Apr 53	Deputy Minister (Député Ministre) of Interior and National Defense (Intérieur et Défense Nationale).	Palais des Ministères, Port-au-Prince, Haïti.
François, Joseph Michel, Lieutenant Colonel.	08 May 57	Commander of the Military Department of the Metropolitan Zone (Commandant, Département Militaire de la Zone Métropolitaine, a.k.a. COMET).	
Gabriel, Jean-Robert, Colonel.	11 Aug 58	Secretary of the General Staff (Secrétaire Etats-Majors Général) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Goby, Jean Brunel, Colonel.	23 Sep 51	Officer of the Bureau of the Inspector General Service (Bureau Inspecteur Général, Grand Quartier Général, a.k.a. G.Q.G.).	
Groshomme, Belony, Colonel.	12 Feb 48	Commander of the Military Department—Artibonite Region (Commandant, Département Militaire de l'Artibonite).	
Jose, Jean-Eugene, Colonel.	10 Jun 52	Officer of the Bureau of the Inspector General Service (Bureau Inspecteur Général, Grand Quartier Général, a.k.a. G.Q.G.).	
Joseph, Frantz	13 Oct 54	Director (Directeur), Office for Permanent Maintenance of Road Network (Service d'Entretien Permanent du Réseau Routier National, a.k.a. SEPRRN).	Rue Nazon No. 21, Port-au-Prince, Haïti; 10 N.E. 64th Street, Miami, Florida 33138, USA; Varreux—National Road, 10 Varreux Road, Port-au-Prince, Haïti.
Jumelle, Michele Cesar.		Deputy Minister (Député Ministre) of Justice	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti.
Lafontant, Victoriano (a.k.a. Lafontant, Victoriano).		Director (Directeur), National Water Service (Service National d'Eau Potable, a.k.a. SNEP).	Delmas 45—Delmas Road, Port-au-Prince, Haïti.
Laguerre, Pierre André.		Director General (Directeur Général), Airport, a.k.a. National Port Authority (Autorité Portuaire Nationale, a.k.a. APN).	La Saline Boulevard, P.O. Box 616, Port-au-Prince, Haïti; P.O. Box 1792, Port-au-Prince, Haïti.
Laine, Saidel		Minister (Ministre) of Commerce and Industry	Port-au-Prince, Haïti.

I. BLOCKED INDIVIDUALS OF THE DE FACTO REGIME IN HAITI:—Continued

Name	DOB	Title	Address
Lamur, Margareth Lydia.	.....	Director (Directeur), National Insurance, a.k.a. Old Age Insurance (Office National d'Assurance Vieillesse, a.k.a. ONA).	Champ de Mars, Port-au-Prince, Haïti.
Larosilière, Fresnel ....	.....	Deputy Minister (Député Ministre) of Public Health (Santé Publique).	Palais des Ministères, Port-au-Prince, Haïti.
Lessage, Jodel, Colonel.	19 Feb 54	Chief of the Senior Headquarters (High Command) (Chef du Premier Bureau, Grand Quartier Général, a.k.a. G.Q.G.).	
Lissade, Pierre .....	.....	Director General (Directeur Général), Telephone Company (Télécommunications d'Haïti, SAM, a.k.a. TELECO).	J.J. Dessalines Boulevard, P.O. Box 814, Port-au-Prince, Haïti.
Louis, Michel, Colonel	29 Sep 49	Chief of the Office of Military Attaches (Chef du Bureau des Attachés Militaires).	
Louis, Edy (Eddy), Colonel.	21 Jun 51	Military Attache (Attaché Militaire), Paris	
Marc-Charles, Henry Robert, Colonel.	05 Jan 52	Officer Assigned to the General Staff (Officiel de Service de l'Etat Major).	
Mathurin, Ginette Perodin.	30 Oct 53	Director (Directeur), Ministry of Health Unit for Potable Water, a.k.a. Community Health and Drinking Water Posts (Programme de Santé de l'Eau Potable, a.k.a. Postes Communautaires d'Hygiène et d'Eau Potable, POCHEP).	Montagne Noir, Impasse Monsieur Lafontant, Haïti; Petite Place Cazeau, P.O. Box 2580, Port-au-Prince, Haïti.
Mayard, Henry (Henri) Max, Brigadier General.	07 Feb 47	Inspector General (Inspecteur Général) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
McNally, Marie Lina ...	06 Mar 61	Deputy Director (Directeur Adjoint), Accident/Insurance Office, a.k.a. Workers' Compensation, Sickness and Maternity Insurance Agency (Office d'Assurance Maladie/Accident, a.k.a. Office d'Assurance Accidents du Travail, Maladie et Maternité, a.k.a. OFATMA).	Chanceries—Cité Militaire, P.O. Box 1012, Port-au-Prince, Haïti.
Merzier, Roland .....	.....	Vice President, National Credit Bank (Banque Nationale de Crédit, a.k.a. BNC).	Angle rue du Quai et rue des Miracles, BP 1320, Port-au-Prince, Haïti.
Michel, Oriol	05 Oct 46	Director General (Directeur Général), Cement Company (Le Ciment d'Haïti, SA, a.k.a. CDH).	Teina Village, P.O. Box 575-1, Port-au-Prince, Haïti; 7376 S.W. 113th Circle Place, Miami, FL 33173, USA; Office Cité de l'Exposition, Port-au-Prince, Haïti; Fond Mombin, Port-au-Prince, Haïti.
Ney-Pierre, Arnold	25 Sep 29	Director (Directeur), Accident/Insurance Office, a.k.a. Workers' Compensation, Sickness and Maternity Insurance Agency (Office d'Assurance Maladie/Accident, a.k.a. Office d'Assurance Accidents du Travail, Maladie et Maternité, a.k.a. OFATMA).	Avenue Nord Alexis 36, Port-au-Prince, Haïti; Chanceries—Cité Militaire, P.O. Box 1012, Port-au-Prince, Haïti.
Nicolas, Carl Michel, General (retired).	08 May 37 ...	Minister (Ministre) of Interior and National Defense (Intérieur et Défense Nationale).	Palais des Ministères, Port-au-Prince, Haïti
Norvilus, Appollon Louis.	06 May 42 ...	Deputy Director (Directeur Adjoint), Ministry of Health Unit for Potable Water, a.k.a. Community Health and Drinking Water Posts (Programme de Santé de l'Eau Potable, a.k.a. Postes Communautaires d'Hygiène et d'Eau Potable, a.k.a. POCHEP).	Canapé Vert, Rue Jean Baptiste No. 47, Haïti; 107 Taunton Street, Hyde Park, Massachusetts 02126, USA; Petite Place Cazeau, P.O. Box 2580, Port-au-Prince, Haïti.
Paul, Max	17 May 45 ...	Director General (Directeur Général), National Port Authority, a.k.a. Airport (Autorité Portuaire Nationale, a.k.a. APN).	Bourdon, Impasse Iginac No. 7, Haïti; 1019 Lenox Road, Brooklyn, New York 11212, USA; La Saline Boulevard, P.O. Box 616, Port-au-Prince, Haïti; P.O. Box 1792, Port-au-Prince, Haïti.
Pericles, Jacquelin .....	.....	Deputy Director General (Directeur Adjoint), Customs (Administration Générale des Douanes).	161 Route de Delmas, Port-au-Prince, Haïti.
Pierre-Antoine, Joseph, Colonel.	19 Mar 51	Chief Secretary of the Senior Headquarters (Chef Secrétaire Juridique du Grand Quartier Général, a.k.a. G.Q.G.).	
Pierre-Louis, Jean Carmélo (a.k.a. Pierre-Louis, Jean Carmelot).	.....	Minister (Ministre) of Public Works, Transport and Communications (a.k.a. MTPTC).	Palais des Ministères, BP 2002, Port-au-Prince, Haïti.
Pierre Louis, Jean Herve (a.k.a. Pierre Louis, Claude A.J. Herve).	12 Feb 58	Director General (Directeur Général), Water Company, a.k.a. Metropolitan Water Concern (Centrale Autonome Métropolitaine d'Eau Potable, a.k.a. CAMEP).	Christ-Roi, Rue Mgr. Testard No. 6, Port-au-Prince, Haïti; 890 S.W. 129th Place, Miami, Florida 33184, USA; Paul VI Avenue 104, Port-au-Prince, Haïti.
Poisson, Bernadin, Colonel.	16 Feb 48	Commander (Commandant), 27th Company, Fire Department (27ème Compagnie, Corps Pompier).	

I. BLOCKED INDIVIDUALS OF THE DE FACTO REGIME IN HAITI:—Continued

Name	DOB	Title	Address
Prosper, Amil	31 Jan 30	Director General (Directeur Général), Customs (Administration Générale des Douanes).	17 Rue Louverture, Port-au-Prince, Haïti; 740 N.W. 129th Terrace, Miami, Florida 33167, USA; 161 Route de Delmas, Port-au-Prince, Haïti.
Prud'Homme, Ernst, Colonel.	22 Sep 54	Adjutant General (Adjudant-Général) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Qualo, Réginald	17 Oct 53	Deputy Director General (Directeur Adjoint), Telephone Company (Télécommunications d'Haïti, SAM, a.k.a. TELECO).	J.J. Dessalines Boulevard, P.O. Box 814, Port-au-Prince, Haïti; Delmas 75 Angle Rue Catalpa et Mimosa, Port-au-Prince, Haïti; 7925 S.W. 153 Place, Miami, Florida 33193, USA.
Rene, Marie-Alix, Colonel.	28 Jul 51	Military Attache (Attaché Militaire), Mexico	
Rigaud, Max	28 Jul 21	Director General (Directeur Général), Flour Company (La Minoterie d'Haïti, a.k.a. MDH).	Lafitteau, P.O. Box 404, Port-au-Prince, Haïti.
Roméus, Wilhem		Deputy Minister (Député Ministre) of Information and Coordination.	300 route de Delmas, Port-au-Prince, Haïti.
Romulus, Dumarsais, Colonel.	18 Aug 48	Chief of Staff for Operations, G-3 of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Romulus, Martial P., Colonel.	26 Feb 49	Assistant Military Bureau Chief	
Roumain, Claude		Deputy Minister (Député Ministre) of Education, Youth and Sports, a.k.a. MENJS.	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti.
Sainvil, Ramus, Colonel.	15 Sep 52	Director (Directeur), Military Academy (Académie Militaire)	
Senatus, Moïse		Minister (Ministre) of Justice	Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti
St. Dic, Axel	31 Jan 49	Director General (Directeur Général), Electricity Company (Électricité d'Haïti, a.k.a. EDH).	Rue Dante Destouches, Port-au-Prince, Haïti; Boulevard Harry Truman, P.O. Box 1753, Port-au-Prince, Haïti; rue Calcis No. 14, Canapé Vert, Port-au-Prince, Haïti.
St. Firmin, Jean	10 Jul 34	President, National Credit Bank (Banque Nationale de Crédit, a.k.a. BNC).	126 Impasse H. Samsour, Delmas 105, Port-au-Prince, Haïti; 44 Underwood Place, N.W., Washington, D.C. 20012, USA; Angle rue du Quai et rue des Miracles, BP 1320, Port-au-Prince, Haïti.
Sylvain, Diderot Lyonel (Lionel), Colonel.	10 Jun 50	Chief of Public Information Service (Chef de Service Renseignement Général) of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Thimothee, Maud		Deputy Minister (Député Ministre) of Social Affairs	Rue de la Révolution, Port-au-Prince, Haïti.
Ulysse, Robert		Deputy Minister (Député Ministre) of Agriculture, Natural Resources and Rural Development (Ministère de l'Agriculture, des Ressources Naturelles et du Développement Rural, a.k.a. MARNDP).	Damien, Port-au-Prince, Haïti.
Valmond, Hébert, Colonel.	17 May 49	Chief of Staff for Intelligence, G-2 of the Haitian Armed Forces, FAD'H (Force Armée d'Haïti).	
Victor, Jean André	10 Sep 41	Minister (Ministre) of Planning and External Cooperation (Planification et Coopération Externelle).	Port-au-Prince, Haïti.
Volcy, Etzer		Deputy Minister (Député Ministre) of Public Works, Transport and Communications (a.k.a. MTPTC).	Palais des Ministères, BP 2002, Port-au-Prince, Haïti.
Westerbandt, Adrien (a.k.a. Westerband, Adrien).	02 Dec 24	Minister (Ministre) of Public Health (Santé Publique)	Palais des Ministères, Port-au-Prince, Haïti.

II. Blocked Entities of the De Facto Regime in Haiti

27th Company, Fire Department
(a.k.a. 27ème Compagnie, Corps Pompier)
Haïti.

Accident/Insurance Office
(a.k.a. Office d'Assurance Maladie/
Accident)
(a.k.a. Ofatma)
(a.k.a. Workers' Compensation, Sickness
and Maternity Insurance Agency)
(a.k.a. Office d'Assurance Accidents dU
Travail, Maladie et Maternité)

Chanceries—Cité Militaire, P.O. Box
1012, Port-au-Prince, Haïti.

Bank of the Republic of Haiti
(a.k.a. Central Bank of Haiti)
(a.k.a. Banque de la République d'Haïti)
(a.k.a. BRH)
(a.k.a. Banque Nationale de la République
d'Haïti) Angle rue du Magasin de l'Etat
et rue des Miracles, BP 1570, Port-au-
Prince, Haïti.

Banque de l'Union Haïtienne, S.A.
(a.k.a. BUH)
Angle rues Du Quai et Bonne Foi,
Boite Postale 275,

Port-au-Prince, Haïti

Banque Populaire Haïtienne
(a.k.a. BPH)
Angle rues Eden et Quai,
P.O. Box 1322,
Port-au-Prince, Haïti

Bureau of the Inspector General Service
(a.k.a. Bureau Inspecteur Générale, Grand
Quartier Générale (G.Q.G.)), Haïti.

Cement Company
(a.k.a. le Ciment d'Haïti, SA)
(a.k.a. CDH)

Office Cité de l'Exposition, Port-au-Prince, Haïti; Fond Mombin, Port-au-Prince, Haïti.

Electricity Company
(a.k.a. Electricité d'Haïti)
(a.k.a. Electricity of Haïti)
(a.k.a. EDH)
Rue Dante Destouches, Port-au-Prince, Haïti; Boulevard Harry Truman, P.O. Box 1753, Port-au-Prince, Haïti.

Flour Company
(a.k.a. la Minoterie d'Haïti)
(a.k.a. MDH)
Lafitteau, P.O. Box 404, Port-au-Prince, Haïti.

Haïtian Armed Forces
(a.k.a. Fad'h)
(a.k.a. Force Armée d'Haïti)
Haïti.

Metropolitan Water Concern
(a.k.a. Water Company)
(a.k.a. Centrale Autonome Métropolitaine d'Eau Potable)
(a.k.a. CAMEP)
Paul VI Avenue 104, Port-au-Prince, Haïti.

Military Department—Artibonite Region
(a.k.a. Département Militaire de l'Artibonite)
Haïti.

Military Department of the Metropolitan Zone
(a.k.a. Département Militaire de la Zone Métropolitaine)
(a.k.a. Comet)
Haïti.

Ministry of Agriculture, Natural Resources and Rural Development
(a.k.a. Ministère de l'Agriculture, des Ressources Naturelles et du Développement Rural)
(a.k.a. MARNDR)
Damien, Port-au-Prince, Haïti.

Ministry of Commerce and Industry
Rue Legitime, Champ de Mars, Port-au-Prince, Haïti.

Ministry of Economy and Finance
(a.k.a. MEF)
Palais des Ministères, Port-au-Prince, Haïti.

Ministry of Education, Youth and Sports
(a.k.a. MENJS)
Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti.

Ministry of Foreign Affairs and Worship
Boulevard Harry Truman, Cité de l'Exposition, Port-au-Prince, Haïti.

Ministry of Health Unit for Potable Water
(a.k.a. Community Health and Drinking Water Posts)
(a.k.a. Programme de Santé de l'Eau Potable)
(a.k.a. Postes Communautaires d'Hygiène et d'Eau Potable)
(a.k.a. POCHÉP)
Petite Place Cazeau, P.O. Box 2580, Port-au-Prince, Haïti.

Ministry of Information and Coordination
300 route de Delmas, Port-au-Prince, Haïti.

Ministry of Interior and National Defense
(a.k.a. Ministère de l'Intérieur et Défense Nationale)
Palais des Ministères, Port-au-Prince, Haïti.

Ministry of Justice

Boulevard Harry Truman, Cité de l'Exposition
Port-au-Prince, Haïti.

Ministry of Planning and External Cooperation
(a.k.a. Ministère de la Planification et Coopération Externelle)
Palais des Ministères, Rue Monseigneur Guilloux, Port-au-Prince, Haïti.

Ministry of Public Health
(a.k.a. Santé Publique)
(a.k.a. Ministry of Public Health and Population)
(a.k.a. Ministère de la Santé Publique et de la Population)
(a.k.a. Ministry of Public Health and Housing)
Palais des Ministères, Port-au-Prince, Haïti.

Ministry of Public Works, Transport and Communications
(a.k.a. Ministère des Travaux Publics, Transport et Communications)
(a.k.a. MPTPC)
Palais des Ministères, BP 2002, Port-au-Prince, Haïti.

Ministry of Social Affairs
Rue de la Révolution, Port-au-Prince, Haïti.

National Credit Bank
(a.k.a. Banque Nationale de Crédit)
(a.k.a. BNC)
Angle rue du Quai et rue des Miracles, BP 1320, Port-au-Prince, Haïti.

National Insurance
(a.k.a. Old Age Insurance)
(a.k.a. Office National d'Assurance Vieillesse)
(a.k.a. ONA)
Champ de Mars, Port-au-Prince, Haïti.

National Office for Industrial Parks
(a.k.a. National Industrial Park Company)
(a.k.a. Government Industrial Park)
(a.k.a. Société Nationale des Parcs Industriels)
(a.k.a. SONAPI)
Industrial Park, P.O. Box 2345, Port-au-Prince, Haïti.

National Port Authority
(a.k.a. Autorité Portuaire Nationale)
(a.k.a. Port Authority)
(a.k.a. Airport)
(a.k.a. APN)
La Saline Boulevard, P.O. Box 616, Port-au-Prince, Haïti; P.O. Box 1792, Port-au-Prince, Haïti.

National Water Service
(a.k.a. Service National d'eau Potable)
(a.k.a. SNEP)
Delmas 45—Delmas Road, Port-au-Prince, Haïti.

Office for Permanent Maintenance of Road Network
(a.k.a. Service d'Entretien Permanent du Réseau Routier National)
(a.k.a. Service d'Entretien du Réseau Routier National)
(a.k.a. SEPRRN)
(a.k.a. Office of Road Maintenance)
Varreux—National Road, 10 Varreux Road, Port-au-Prince, Haïti.

Office of Customs

(a.k.a. Administration Générale des Douanes)
161 Route de Delmas, Port-au-Prince, Haïti.

Office of Military Attaches
(a.k.a. Bureau des Attachés Militaires)
Haïti.

Telephone Company
(a.k.a. Télécommunications d'Haïti, Sam)
(a.k.a. Teleco)
J.J. Dessalines Boulevard, P.O. Box 814, Port-au-Prince, Haïti.

Dated: July 6, 1993.

R. Richard Newcomb,
Director, Office of Foreign Assets Control.
Approved: July 9, 1993.

Ronald K. Noble,
Assistant Secretary (Enforcement).
[FR Doc. 93-17813 Filed 7-22-93; 11:06 am]
BILLING CODE 4810-25-W

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 82

[FRL-4682-4]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; section 114 information request.

SUMMARY: Pursuant to section 114 of the Clean Air Act (the Act), EPA is requiring that companies that produced, imported, exported, transformed or destroyed the following controlled substances in the specified time periods report to EPA within 45 days. These chemicals and the years for which data is to be provided are: methyl bromide in the year 1991; hydrochlorofluorocarbons in 1989, 1992; hydrobromofluorocarbons in 1989 and 1991; and specified chlorofluorocarbons in the first six months of the calendar year 1989. Companies are to submit information on the amounts they produced, imported, exported, transformed, or destroyed during the time period specified.

EPA requires this information in order to promulgate production and consumption restrictions under sections 604 and 606 of the Clean Air Act, as amended. Also, the Agency may use the information collected in connection with its monitoring and reporting obligations under section 603(d) of the Clean Air Act as amended. Further, the Agency may use this information to satisfy the United States reporting obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer.

DATES: This action is effective July 27, 1993. The information requested in this

document must be submitted by September 10, 1993.

ADDRESSES: The information requested in this notice should be submitted to: Peter Voigt, U.S. EPA, 6205J, Stratospheric Protection Division, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Voigt, 6205J, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. EPA, 401 M St., SW., Washington, D.C. 20460, (202) 233-9185.

SUPPLEMENTARY INFORMATION:

I. Background—Statutory Requirements

EPA is requesting information through this notice in connection with regulations recently proposed for the accelerated phaseout of ozone depleting chemicals and for the listing of methyl bromide and hydrobromofluorocarbons (HBFCs) as class I ozone depleting chemicals. See 58 FR 15015 (March 18, 1993). Section 614 of the Clean Air Act provides that in the case of conflict between any provision of title VI and any provision of the Montreal Protocol, the more stringent provision shall govern. Therefore, the proposed regulations are generally consistent with recent agreements of the Parties to the Montreal Protocol to add several new substances to the list of controlled substances and to extend reporting requirements to these substances.¹ Information collected in connection with the Agency's regulations actions under the Clean Air Act may thus be useful to satisfy the United States' reporting obligations under the Montreal Protocol. This information will also be useful in connection with the Agency's obligation under section 603(d) of the Clean Air Act to monitor production, use and consumption of ozone-depleting substances, and to report domestic production, use and consumption to Congress.

a. Accelerated Phaseout of Previously Listed Substances

As explained in the March 18 notice, EPA proposed to accelerate the phaseout dates for CFCs and for certain HCFCs.

EPA believes that its proposed phaseout schedule for HCFCs, along

with other measures being taken under title VI, will achieve compliance with the phaseout schedule for HCFCs under the agreement of the Parties to the Montreal Protocol. Previously, HCFCs had been included under the Protocol as "transitional substances" and had not been subject to controls. The Parties agreed in Copenhagen to add HCFCs to the list of controlled substances and to adopt a phaseout schedule for them. The Parties agreed to a baseline consumption level for HCFCs equal to the sum of 3.1 percent of the calculated level of CFCs consumed in 1989 and the calculated level of HCFCs consumed in that same year. (The "calculated level" of HCFCs consumed is equal to the quantity produced multiplied by the HCFCs' ozone depletion potential.) Under the Protocol agreement, the permitted levels of HCFC consumption are then reduced over time. In its March 18 proposal, EPA also requested comment on the use of an allocation or auction system to implement the HCFC cap approach agreed to under the Protocol.

Information regarding CFCs and HCFCs being collected through this notice is pertinent to the establishment of a baseline to implement, under the Clean Air Act, the cap approach that the Parties agreed to under the Protocol. It is also pertinent to ensuring that the acceleration of phaseout dates for certain HCFCs, complies with the requirements of the cap agreed to under the Protocol. (As noted, since section 614 of the Clean Air Act provides that the more stringent provision of the Montreal Protocol and the Clean Air Act shall govern in the case of conflicts, the accelerated phaseout approach adopted under the section 606 will have to be at least as stringent as the approach agreed to under the Protocol.)

Thus, to calculate the baseline level of HCFCs for the United States, EPA is requesting that any company that produced, imported, exported, transformed, or destroyed HCFCs in 1989 provide data regarding those activities to EPA. The Agency is also requesting the same data for HCFCs for the most recent calendar year, 1992. The Agency believes the information for 1992 is also pertinent to determining the best approach for the phaseout of HCFCs. In addition, in order to establish the United States' baseline for HCFC regulations, EPA must have data on 1989 CFC consumption. EPA currently has data on CFC consumption only for the six month period from July 1, 1989 to December 31, 1989. This time period was covered as part of the initial control period for CFC regulation under the Montreal Protocol and domestic

implementing regulations which extended from July 1, 1989 to June 31, 1990. Since EPA regulations restricting production or consumption did not cover the first six months of 1989, EPA has not required reporting of data for that period. EPA is therefore now requesting data on CFC production and consumption for the period from January 1, 1989 to June 31, 1989.

b. New Listings

As explained in the March 18 notice, EPA is proposing to add methyl bromide and HBFCs to the list of class I substances under section 602(a) of the Clean Air Act. As explained in the listing proposal, under title VI of the Clean Air Act, a newly listed class I substance is automatically subject to the § 604(a) phaseout schedule unless:

- (1) The Administrator accelerates that schedule pursuant to section 606; or
- (2) The Administrator determines that the section 604(a) schedule is unattainable and extends that schedule pursuant to section 602(d).

For reasons explained in the listing proposal, the Agency proposed that the section 604(a) schedule is unattainable for methyl bromide under section 602(d). EPA therefore proposed freezing production and consumption of methyl bromide at 1991 baseline levels beginning on January 1, 1994 until January 1, 2000, when production and consumption would be eliminated. For HBFCs, EPA proposed to freeze production and consumption at 1991 baseline levels beginning on January 1, 1994 until January 1, 1996, when production and consumption would be eliminated.

Section 607 of the Clean Air Act specifies that the Administrator shall promulgate regulations providing for production and consumption allowances of class I substances. To implement a production and consumption freeze and phaseout, EPA proposed in the March 18 notice the same regulatory scheme it has used in the past for CFCs, halons, methyl chloroform, and other controlled substances. Baseline production and consumption allowances would be established and allocated to those companies engaged in such activities in the 1991 baseline year. For purposes of establishing these baseline production and consumption allowances in a follow-up rulemaking, and pursuant to § 114 of the Clean Air Act, the Agency is requiring through this notice that persons report to the Agency the amount of any production, imports, exports, transformations or destruction of methyl bromide or any HBFCs in 1991.

¹ As explained in the March 18 Federal Register notice, these agreements were reached at the Fourth Meeting of the Parties held in Copenhagen, Denmark in November 1992. They will enter into force as amendments to the Montreal Protocol by January 1, 1994, provided that twenty Parties have ratified them. If twenty Parties have not ratified the amendments by that date, then the amendments are to enter into force ninety days after the twentieth instrument of ratification is deposited by a Party.

In addition, as addressed in the March 18 proposal, concerns have been raised in particular about the limited availability of substitutes for methyl bromide for use in quarantine and pre-shipment fumigation applications. Under the Montreal Protocol Parties' agreement to list and phase out methyl bromide, production is defined to exclude quarantine and pre-shipment uses. To assist in evaluating the significance of this concern in connection with the phaseout schedule, EPA is requesting that persons report information regarding the amount of their 1991 production, imports, exports, transformation, and destruction of methyl bromide that was used for quarantine and pre-shipment purposes.

c. Other Uses for the Information Collected

As noted above, the Agency believes collection of this information will be useful to satisfy its obligations under section 603(d) of the Clean Air Act. That subsection provides that "[T]he Administrator shall monitor and, not less often than every 3 years following enactment of the Clean Air Act Amendments of 1990, submit a report to Congress on the production, use and consumption of class I and class II substances. Such report shall include data on domestic production, use and consumption, and an estimate of worldwide production, use and consumption of such substances. . . ."

Finally, Article 7 of the Montreal Protocol includes annual reporting obligations for HCFCs. The Parties to the Montreal Protocol also agreed in Copenhagen to extend the data reporting requirements under Article 7 of the Protocol to methyl bromide and HBFCs. EPA may also use the information collected here to satisfy the United States' reporting obligations under the Protocol.

II. Statutory Authority

Section 114(a) of the Act authorizes the Administrator or a delegated authority, in order to carry out any provisions of the Act, to require any person who the Administrator believes may have information necessary for such purposes to provide such information. Only two firms are believed to produce methyl bromide and only one firm is believed to produce HBFCs in the United States. Fewer than twenty firms or individuals are likely to have been importers or exporters of methyl bromide in 1991 and there are believed to be no importers and one exporter of HBFCs in 1991 in the United States.

EPA has elected to require submission of this information by rule to ensure that all producers, importers and exporters receive notice that this information is being collected. If the Agency instead sent an administrative order by letter to firms believed to be involved in these activities, it might not reach the entire universe of involved parties.

This rule is being published as a final action without first seeking public comment for several reasons. First, the rule is very limited in scope and simply requires that information on past specified activities be reported. Second, the information requested is straightforward and clearly delineated. Third, the resources involved in reporting this information should be minimal since very few firms manufacture the newly listed chemicals and the information requested is data routinely maintained by such firms. Fourth, this information is not available through existing channels. Fifth, EPA requires this information in a timely manner in connection with the proceedings to accelerate the phaseout of ozone-depleting substances to list methyl bromide and HBFCs, and to issue production and consumption allowances for these chemicals. For these reasons, EPA finds that notice and public comment on this rule are impracticable, unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b)(B).

III. Request for Information

The Agency today is requesting production, import, export, and transformation information for methyl bromide, HBFCs, HCFCs, and CFCs for the specified periods. EPA believes it is important to issue production and consumption limits at the same time as the final rule is promulgated adding substances to the list of class I substances and accelerating the phaseout of other ozone depleting substances.

As the Agency has described in past **Federal Register** notices, regulations implementing production limits of § 604 are self-effectuating, but regulations implementing those limits are essential to affording producers of the affected chemicals needed flexibility to change their production mix or levels. See 56 FR 49548 and 57 FR 33754. In addition, the consumption limits of § 604 are not self-effectuating and thus require implementing regulations. EPA therefore believes it important to issue production and consumption allowances at the same time as the new substances are finally listed and the phaseout schedule for the other substances is finally accelerated. As the

production and consumption limits apply on an annual basis and thus take effect not more than one year following listing or acceleration, the reduction requirements take effect not more than one year following listing or acceleration. The Agency proposed that the listing and acceleration will take effect January 1, 1994. The Agency therefore is seeking this information now in order that it may propose production and consumption allowances, take and consider comments on the proposal, and thereafter promulgate such allowances by the appropriate time.

A. Affected Companies and Years Covered

Only companies or persons that produced, imported, exported, destroyed, and transformed CFC-11, 12, 113, 114, 115 (class I, group I) in the first six months of 1989, methyl bromide (proposed class I, group VI) in 1991, HBFCs (proposed class I, group VII) in 1989 and 1991, and HCFCs (class II) in 1989 and 1992 (within three months of the end of the calendar year) are required to submit the information required in section III.D. (EPA has through rulemaking divided ozone depleting chemicals into class I and class II chemicals. Class I is further divided into Groups I-VII. See section III.B for the complete list of chemicals covered by this request).

B. Controlled Substances Covered by the Request

The request covers the following chemicals:

- (1) Class I, group I
 - CFC1₃-Trichlorofluoromethane (CFC-11)
 - CCl₂-Dichlorodifluoromethane (CFC-12)
 - CCl₂-CClF₂-Trichlorotrifluoroethane (CFC-113)
 - CF₂Cl-CClF₂-Dichlorotetrafluoroethane (CFC-114)
 - CClF₂-CF₃-(Mono)
 - Chloropentafluoroethane (CFC-115)
- (2) Proposed class I, group VI
 - CH₃Br Methyl Bromide
- (3) Class II, HCFCs
 - CHFCl₂ (HCFC-21)
 - CHF₂Cl (HCFC-22)
 - CH₂FCI (HCFC-31)
 - C₂HFCl₄ (HCFC-121)
 - C₂HF₂Cl₃ (HCFC-122)
 - C₂HF₃Cl₂ (HCFC-123)
 - CHCl₂CF₃ (HCFC-123)
 - C₂HF₂Cl (HCFC-124)
 - CHFClCF₃ (HCFC-124)
 - C₂H₂FCI₃ (HCFC-131)
 - C₂H₂F₂Cl₂ (HCFC-132)
 - C₂H₂F₃Cl (HCFC-133)
 - C₂H₃FCI₂ (HCFC-141)
 - CH₃CFCl₂ (HCFC-141b)
 - C₂H₃F₂Cl (HCFC-142)
 - CH₃CF₂Cl (HCFC-142b)
 - C₂H₄FCI (HCFC-151)

C ₂ HFC ₂ Cl ₂	(HCFC-221)
C ₂ HFC ₂ Cl ₃	(HCFC-222)
C ₂ HFC ₂ Cl ₄	(HCFC-223)
C ₂ HFC ₂ Cl ₃	(HCFC-224)
C ₂ HFC ₂ Cl ₂	(HCFC-225)
CF ₃ CF ₂ CHCl ₂	(HCFC-225ca)
CF ₂ ClCF ₂ CHClF	(HCFC-225cb)
C ₂ HFC ₂ Cl	(HCFC-226)
C ₂ H ₂ FCl ₃	(HCFC-231)
C ₂ H ₂ F ₂ Cl ₄	(HCFC-232)
C ₂ H ₂ F ₃ Cl ₃	(HCFC-233)
C ₂ H ₂ F ₄ Cl ₂	(HCFC-234)
C ₂ H ₂ F ₃ Cl	(HCFC-235)
C ₂ H ₃ FCl ₄	(HCFC-241)
C ₂ H ₃ F ₂ Cl ₃	(HCFC-242)
C ₂ H ₃ F ₃ Cl ₂	(HCFC-243)
C ₂ H ₃ F ₄ Cl	(HCFC-244)
C ₂ H ₄ FCl ₃	(HCFC-251)
C ₂ H ₄ F ₂ Cl ₂	(HCFC-252)
C ₂ H ₄ F ₃ Cl	(HCFC-253)
C ₂ H ₅ FCl ₂	(HCFC-261)
C ₂ H ₅ F ₂ Cl	(HCFC-262)
C ₂ H ₆ FCl	(HCFC-271)

(4) Proposed class I, group VII, HBFCs

CHFBr ₂	(HBFC-22B1)
CHF ₂ Br	
CH ₂ FBr	
C ₂ HFBBr ₂	
C ₂ HFBBr ₃	
C ₂ HFBBr ₄	
C ₂ H ₂ FBr ₃	
C ₂ H ₂ F ₂ Br ₂	
C ₂ H ₂ F ₃ Br	
C ₂ H ₂ F ₄ Br	
C ₂ H ₃ FBr ₂	
C ₂ H ₃ F ₂ Br	
C ₂ H ₄ FBr	
C ₂ HFBBr ₂ C ₃ H ₂ Br ₅	
C ₃ HFBBr ₄	
C ₃ HFBBr ₃	
C ₃ HFBBr ₂	
C ₃ HFBBr	
C ₃ H ₂ FBr ₃	
C ₃ H ₂ F ₂ Br ₂	
C ₃ H ₂ F ₃ Br	
C ₃ H ₂ F ₄ Br	
C ₃ H ₃ FBr ₂	
C ₃ H ₃ FBr	
C ₃ H ₃ F ₂ Br	
C ₃ H ₃ F ₃ Br	
C ₃ H ₃ F ₄ Br	
C ₃ H ₄ FBr ₃	
C ₃ H ₄ F ₂ Br ₂	
C ₃ H ₄ F ₃ Br	
C ₃ H ₅ FBr ₂	
C ₃ H ₅ FBr	
C ₃ H ₆ FBr	

C. Definitions

The definitions used in this request are either those provided in regulations (57 FR 33754) or are those proposed (58 FR 15014). In order to clarify this request, the Agency intends to use the following definitions to calculate company specific allowances as well as national levels of production and consumption.

As used in this request for information, the term:

1. **Controlled Substance**, defined in 58 FR 15014, means any substance listed in part III C. of this notice, whether existing alone or in a mixture, but

excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance or mixture. Any amount of a substance listed above which is not part of a use system containing the substance is a controlled substance. If a substance or mixture must first be transferred from a bulk container to another container, vessel, or piece of equipment to realize its intended use, the substance or mixture is a controlled substance. The inadvertent or coincidental creation of insignificant quantities of a substance listed above during a chemical manufacturing process, resulting from unreacted feedstock or from the controlled substance's use as a process agent present in a chemical substance being manufactured as a trace impurity is not deemed a controlled substance.

2. **Production**, defined in 58 FR 15014, means the manufacture of a substance from any raw material or feedstock chemical, but does not include:

(1) The manufacture of a controlled substance that is subsequently transformed;

(2) The reuse or recycling of a controlled substance, or

(3) Amounts that are destroyed by the approved technologies.

Production includes spilled or vented controlled substances equal to or in excess of one hundred pounds per event.

3. **Destruction**, defined at 58 FR 15014, means the expiration of a controlled substance that does not result in a commercially useful end-product using one or more of the following controlled processes:

- (1) Liquid injection incineration,
- (2) Reactor cracking,
- (3) Gaseous/fume oxidation,
- (4) Rotary kiln incinerators,
- (5) Cement kilns.

4. **Export**, means the transport of virgin controlled substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use. The data submission should separate used and recycled controlled substances from virgin substances.

5. **Exporter**, defined at 57 FR 33754, means the person who contracts to sell controlled substances for export or transfers controlled substances to his affiliate in another country.

6. **Import**, defined at 57 FR 33754, means to land on, or bring into, or introduce into, or attempt to land on, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing,

or introduction constitutes an importation within the meaning of the customs laws of the United States, with the following exceptions:

(1) Off-loading used or excess controlled substances or controlled products from a ship during servicing,

(2) Bringing controlled substances into the U. S. from Mexico where the controlled substance had been admitted into Mexico in bond and was of U.S. origin.

7. **Importer**, means the first United States owner of the imported controlled substances who is a supplier to a member of the domestic industry that uses the controlled substances.

Generally the "importer of record" on the U.S. Customs document is in fact the importer under this definition.

However, there are cases where the importer of record is a customs broker or agent acting on behalf of the first U.S. owner. This definition is used for the allocation of baseline allowances.

However, the Agency has proposed a definition of importer that will apply during the operation of the program. The first U.S. owner only applies to the allocation of baseline allowances.

8. **Transform**, defined at 57 FR 33754, means to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes.

9. **Quarantine or pre-shipment use**, means the use of methyl bromide as a fumigant prior to or during the shipment of goods or commodities.

D. Data Required

EPA is requiring that each affected company provide data on the quantity of each of the controlled substances that it produced, imported, exported, destroyed, or transformed as defined under III. B.

Producers who manufactured one or more of the substances listed in section III. B. from raw material or feedstock are required to submit:

- Name, address and telephone number of a company contact;
- The amount (in kilograms) of each listed substance it produced in the United States or its territories and the location of its production, as well as documentation of its production.
- Production reports on volume produced. Monthly plant records may be submitted.

Companies that produced and then transformed one or more of the substances listed in III. B. as feedstock chemicals are required to submit, in addition to their production report:

- The amount (in kilograms) of each listed substance used and entirely consumed as a chemical intermediary in the production of another chemical. Documentation supporting

the submission of production and transformation levels could include production statements used for other reporting purposes or similar information.

Companies that purchased and then transformed one or more of the substances listed in III. B. as feedstock chemicals are required to submit:

- Name, address and telephone number of company a contact;
- The amount (in kilograms) of each listed substance it transformed as a chemical intermediary in the production of another chemical;
- Copies of invoices or receipts documenting the purchase of the listed substance by the reporting company; and
- Description of the commercial use of the resulting chemical;
- Name of the company that produced the feedstock chemical.

Importers of controlled substances listed in section III. B. are required to submit:

- Name, address and telephone number of a company contact;
- The amount (in kilograms) of each of the listed substances which it imported into the United States or its territories, and for each shipment the Entry Number, Employer Identification Number (EIN) or importer number, the designated "importer of record" on the U.S. Customs Entry Summary Form, commodity code, the date of entry and the country in which it was produced; and
- Copies of the Entry Summary Form for each shipment (if these are unavailable, other official papers documenting the import may be substituted).

Exporters, including producers, of controlled substances listed in section III. B. are required to submit:

- Name, address and telephone number of a contact;
- The amount (in kilograms) of each of the listed substances which in 1989 it exported from the United States or its territories, and for each shipment, the producer of the chemical, the date and port of exit, the EIN, the commodity code, and the country of final destination; and
- Copies of the invoices documenting the purchase of the chemical from the producer, and the shipper's export declaration, invoices or bills of lading for each shipment documenting the exported volume and date of the listed substance.

Companies who destroyed the controlled substances listed under III B, 2, and 3 of this notice are required to submit:

- Name, address, and telephone number of a contact;
- The amount (in kilograms) of each of the listed substance it destroyed in the United States;
- description of the destruction technology employed;
- The name of the source of the controlled substance.

Companies that produced, imported, exported, destroyed, or transformed methyl bromide:

*The amount of the compound that was sold or used as a fumigant for quarantine or preshipment purposes.

IV. Confidentiality of Information Submitted

Companies responding to section 114 information requests may assert a claim of business confidentiality for any of the information the company submits. As explained in detail below, however, the Clean Air Act without exception compels the public disclosure of certain data when it establishes a regulatory limit, such as a baseline for a newly listed substance under Title VI of the Act, such as methyl bromide and HBFCs. Since such baselines are a reflection of companies' production and consumption and since the baselines for individual companies will be published in the Federal Register, it is likely that information that may otherwise be considered confidential will be released. Congress specified that allowances be based on companies' individual production and consumption levels. Therefore, upon promulgation of a final rule listing these substances, the Agency believes that this information clearly is not entitled to treatment as confidential business information (CBI). See 40 CFR 2.208(d).

It is less clear whether the Act compels disclosure of this information prior to the final listing rule. However, even prior to promulgation of the final listing of methyl bromide and HBFCs, the Agency may propose production and consumption allowances in order that the allowances may be effective at the time the rule adding these substances to the list is promulgated. Pursuant to 40 CFR 2.301(g), EPA is hereby notifying companies submitting data pursuant to this request that the Agency is considering making each company's allowances available to the public as "relevant to a proceeding under the Act." Specifically, the Agency is considering making this information available in connection with the proceeding to list methyl bromide and HBFCs as class I substances and to assign production and consumption allowances for these chemicals.

A. Compulsory Disclosure for Newly Listed Substances (Methyl Bromide and HBFCs)

The Agency has previously taken the position that a CBI claim is inapplicable to information received pursuant to a statute which mandates—without exception—that such information be available to the public. See *Marine*

Protection Research and Sanctuaries Act of 1972 (MPRSA) section 104(f), 33 U.S.C. § 1414(f); 40 CFR 2.309(d) ("Pursuant to section 104(f), ... no information to which this section applies is eligible for confidential treatment."); 41 FR 36902 (Sept. 1, 1976), as amended at 43 FR 4005 (Sept. 8, 1978). The preamble to the proposed EPA rules for handling of CBI explained that the MPRSA "affirmatively requires that information be made available to the public notwithstanding any confidentiality claim," and that the MPRSA public availability would override an entitlement to confidential treatment under another statute. (40 FR 21987, 21991, (May 20, 1975)) It is pointless to treat information as CBI or to undertake regulatory procedures to disclose CBI where the statute directly requires that specific information be disclosed. As explained below, the Clean Air Act compels the Agency to disclose specific information related to the establishment of limits on ozone depleting substances such as methyl bromide and HBFCs. Therefore, the Agency need not follow the part 2, subpart B procedures governing disclosure of CBI "relevant to a proceeding" under section 114(c) of the Act.

The relevant provisions of titles III and VI of the Clean Air Act leave the Agency no choice but to disclose company and chemical specific production and consumption allowances for a newly listed substance. Sections 604 and 607 together require that EPA issue company and chemical specific allowances for production and consumption of newly listed substances. Section 604—subject to acceleration under section 606 or extension under section 602(d)—imposes production and consumption limits on each company based on the company's baseline year production and consumption of newly listed substances. A company is limited to a specific percentage of its baseline year production and consumption of a particular chemical. Section 607 requires EPA to "promulgate rules . . . providing for the issuance of allowances" for the production and consumption of listed substances. Under this provision, EPA is to issue specific allowances in accordance with production and consumption limits. Particularly where allowances are

* Section 104(f) of the MPRSA provides, in relevant part: Information received by the Administrator [of EPA] or the Secretary [of the Army], as the case may be, as part of any application or in connection with any permit granted under this subchapter shall be available to the public as a matter of public record, at every stage of the proceeding.

issued for a single newly listed substance such as methyl bromide, disclosure of a company's allowances based on 1991 production and consumption levels would disclose what might ordinarily be considered CBI.

Congress drafted sections 604 and 607 against the regulatory backdrop of EPA's regulations implementing the Montreal protocol under existing Clean Air Act authority (formerly section 151(b)). The Agency implemented the Protocol production and consumption limits through rulemaking establishing company specific allowances. See 53 FR 30566 (1989)(implementing Montreal Protocol and allotting production and consumption allowances to producers and importers). The adoption of sections 604 and 607 in the 1990 Amendments indicates that Congress intended to continue the Agency's company specific approach. Section 604 requires that production and consumption limits apply on a company specific basis. Section 607 requires that allowances be based on these company specific limits. The Agency's current regulations under section 607 comport with this approach. See 56 FR 9518 (March 6, 1991)(temporary final rule implementing 1991 production and consumption limits under section 604); 56 FR 49548 (Sept. 30, 1991)(Regulation to implement 1992 and later production and consumption limits under section 604); 57 FR 33754 (July 30, 1992). Title VI calls for issuance of company and chemical specific allowances for listed substances.

Further, under section 307(d)(1), the public participation and disclosure provisions apply to "promulgation or revision of regulations under Title VI." Therefore, the allowances in this case must be published for public comment in order to be legally binding and enforceable. In addition, under section 307(d)(3), the Agency is obligated to include the factual basis for the allowances in the docket for the rulemaking and to include a summary of the factual data in the statement of basis and purpose for the proposed and final rule.

The Act's citizen suit provision further confirms that Congress intended Title VI production and consumption limits to be disclosed to the public. Section 304 authorizes "any person" to commence a civil action alleging a violation of an emission standard or limitation under the Act. Section 304(f) defines "emission standard or limitation under this Act" to include inter alia, "a schedule or time table of compliance, emission limitation, standard of performance or emission standard," and

thus includes Title VI production and consumption limits. Public disclosure of company specific and chemical specific production and consumption limits is necessary for citizens to challenge violations of these limits.

Because the title VI and section 307(d) schemes provide no exceptions to compulsory disclosure, once methyl bromide and HBFCs are listed, production and consumption allowances cannot be treated as CBI.

B. Disclosure Pursuant to 40 CFR 2.301(g)

It is not clear that the Act compels disclosure of production and consumption allowances before the newly listed chemicals are finally added to the phaseout listings. Nevertheless, the Agency believes it may be appropriate to propose production and consumption allowances prior to finalizing the listing in order that the allowances may be applicable at the time that the final listing is promulgated. The Agency believes the allowances may be disclosed in such a proposal.

Section 114(c) of the Clean Air Act specifies that information obtained pursuant to section 114(a) is ordinarily to be available to the public. However, that subsection provides that the Administrator is to treat such information as CBI upon a showing that the information is entitled to trade secret protection. Finally, that subsection specifies that even CBI may be disclosed "when relevant in any proceeding under this Act."

EPA regulations governing disclosure of CBI under section 114 of the Act define "proceeding" to include "any rulemaking . . . conducted by EPA under the Act . . ." 40 CFR 2.301(a)(4). EPA's preliminary conclusion is that section 114(c) authorizes disclosure of production and consumption allowances for the newly listed substances for each company, even if CBI is thereby disclosed. As discussed above, these allowances are not only relevant but central to the rulemaking, including a proposal, to establish production and consumption limits for methyl bromide, HCFCs and HBFCs.

EPA believes it is appropriate to notify submitters here of procedures that will be followed under independent regulations to address CBI concerns in connection with information submitted. Pursuant to 40 CFR 2.301(g)(2), submitters have an opportunity to comment on EPA's consideration of whether to release CBI information. Comments should be sent to Peter Voigt, U.S. EPA, 6205J, Stratospheric Protection Division, 401 M St., SW.,

Washington DC 20460. Comments must be mailed within 45 days of the publication of this notice. After consideration of any timely comments received, the Office of General Counsel will make a final determination regarding the relevance of the allowances to the rulemaking on the newly listed substances before the final listing, and the Office of Atmospheric Programs will determine whether publication of the allocations at this time is in the public interest. If EPA decides to publish the allowances before the final listing of these substances, the Agency will notify the affected companies at least five days before the allowances are published. If a company fails to assert a claim of confidentiality when submitting information to the Agency, the data may be made available to the public even before a final listing without further notice to the company.

C. Analytical Support to the Agency

The Agency will arrange for analytical support under a contract with a private organization. This organization will be designated the Authorized Representatives of the Administrator of the U.S. Environmental Protection Agency for the purpose of assisting EPA in the development and implementation of national regulations for the protection of stratospheric ozone.

The Authorized Representatives, may have access to any information received by the Stratospheric Protection Division within the Office of Atmospheric Programs for use in reviewing the need for possible control of any substance, practice, process or activity which may reasonably be anticipated to affect stratospheric ozone. In general, this information will pertain to the feasibility and costs of achieving controls and baseline data for production, imports, and exports. Some of this information may be claimed as confidential business information. Access to such information is necessary in order that the designated contractor may carry out work required by the contract. Please call Peter Voigt, (202) 233-9185, or ICF Inc., (202) 862-1100, contract number 68 D 30021, to obtain information on the designated contractor.

Authorized Representatives of the Administrator are subject to the provisions of 42 U.S.C. 7414(c) representing confidential business information as implemented by 40 CFR 2.301(h).

V. Additional Information

Paperwork Reduction Act

As required by section 35.04 of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA has submitted an information collection request to the Office of Management and Budget for review. The recordkeeping and reporting requirements contained in this rulemaking were approved by the Office of Management and Budget under control number 2060-0170.

The public reporting burden for this one-time collection of information is estimated to average 8 hours per response. This estimate includes the time needed to review the existing data sources, gather the data needed and review the collection of information. The maximum estimated number of respondents is 45, placing the estimated total burden on respondents at 360 hours.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, PM-223, U.S. EPA, 401 M St., SW., Washington, DC 20460; and to Paperwork Reduction Project, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 82

Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Imports, Ozone layer, Reporting and recordkeeping requirements, Stratospheric ozone.

Dated: July 15, 1993.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

Title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136j; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345(d) and (e), 1361; E.O. 11735, 58 FR 21243, 3CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4,

300j-9, 1857 *et seq.*, 6901-6992k, 7401-77671g, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding a new entry to the table under the indicated heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation			OMB control No.
Protection of Stratospheric Ozone:			
82.21	.....		2060-0170

PART 82—PROTECTION OF STRATOSPHERIC OZONE

3. The authority citation for part 82 continues to read as follows:

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

4. Section 82.21 is added to read as follows:

§ 82.21 Baseline data collection for newly listed chemicals.

(a) This section applies only to any individual or legal entity who engaged in any of the following activities in their respective years involving any of the controlled substances specified in § 82.3(f).

(1) Individuals or entities that produced, imported, exported, destroyed, or transformed CFC-11, 12, 113, 114, 115 (class I, group I) in the first six months of 1989;

(2) Individuals or entities that produced, imported, exported, destroyed, or transformed methyl bromide (proposed class I, group VI) in 1991;

(3) Individuals or entities that produced, imported, exported, destroyed, or transformed HBFCs (proposed class I, group VII) in 1989 and 1991; and

(4) Individuals or entities that produced, imported, exported, destroyed, or transformed HCFCs (class II) in 1989, and 1992 (within three months of the end of the calendar year) are required to submit the information required in § 82.21 (d).

(b) As used in this request in this section the term:

(1) *Controlled Substance* means any substance listed in § 82.21 (c), whether existing alone or in a mixture, but excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the

substance or mixture. Any amount of a substance listed above which is not part of a use system containing the substance is a controlled substance. If a substance or mixture must first be transferred from a bulk container to another container, vessel, or piece of equipment to realize its intended use, the substance or mixture is a controlled substance. The inadvertent or coincidental creation of insignificant quantities of a substance listed above during a chemical manufacturing process, resulting from unreacted feedstock or from the controlled substance's use as a process agent present in a chemical substance being manufactured as a trace impurity is not deemed a controlled substance.

(2) *Production* means the manufacture of a substance from any raw material or feedstock chemical, but does not include:

(i) The manufacture of a controlled substance that is subsequently transformed;

(ii) The reuse or recycling of a controlled substance; or

(iii) Amounts that are destroyed by the approved technologies. *Production* includes spilled or vented controlled substances equal to or in excess of one hundred pounds per event.

(3) *Destruction* means the expiration of a controlled substance that does not result in a commercially useful end-product using one or more of the following controlled processes:

- (i) Liquid injection incineration;
- (ii) Reactor cracking;
- (iii) Gaseous/fume oxidation;
- (iv) Rotary kiln incinerators; and
- (v) Cement kilns.

(4) *Export* means the transport of virgin controlled substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use.

(5) *Exporter* means the person who contracts to sell controlled substances for export or transfers controlled substances to his affiliate in another country.

(6) *Import* means to land on, or bring into, or introduce into, or attempt to land on, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with the following exceptions:

(i) Off-loading used or excess controlled substances or controlled products from a ship during servicing; and

(ii) Bringing controlled substances into the U. S. from Mexico where the

controlled substance had been admitted into Mexico in bond and was of U.S. origin.

(7) *Importer* means the first United States owner of the imported controlled substances who is a supplier to a member of the domestic industry that uses the controlled substances.

(8) *Transform* means to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes.

(9) *Quarantine or pre-shipment use* means the use of methyl bromide as a fumigant prior to or during the shipment of goods or commodities.

(c) This section applies to the following controlled substances:

(1) Class I, group I

CFC1₃-Trichlorofluoromethane (CFC-11)

CCl₂-Dichlorodifluoromethane (CFC-12)

CCl₂-CClF₂-Trichlorotrifluoroethane (CFC-113)

CF₂Cl-CClF₂-Dichlorotetrafluoroethane (CFC-114)

CClF₂-CF₃-(Mono)

Chloropentafluoroethane (CFC-115)

(2) Proposed class I, group VI

CH₃Br Methyl Bromide

(3) Class II, HCFCs

CHFCl₂ (HCFC-21)

CHF₂Cl (HCFC-22)

CH₂FCl (HCFC-31)

C₂HFC₂ (HCFC-121)

C₂H₂F₂Cl₂ (HCFC-122)

C₂H₂F₂Cl₂ (HCFC-123)

CHCl₂CF₃ (HCFC-123)

C₂H₂F₂Cl₂ (HCFC-124)

CHFClCF₃ (HCFC-124)

C₂H₂F₂Cl₂ (HCFC-131)

C₂H₂F₂Cl₂ (HCFC-132)

C₂H₂F₂Cl₂ (HCFC-133)

C₂H₂F₂Cl₂ (HCFC-141)

CH₃CFCl₂ (HCFC-141b)

C₂H₂F₂Cl₂ (HCFC-142)

CH₃CF₂Cl (HCFC-142b)

C₂H₂F₂Cl₂ (HCFC-151)

C₂H₂F₂Cl₂ (HCFC-221)

C₂H₂F₂Cl₂ (HCFC-222)

C₂H₂F₂Cl₂ (HCFC-223)

C₂H₂F₂Cl₂ (HCFC-224)

C₂H₂F₂Cl₂ (HCFC-225)

CF₃CF₂CHCl₂ (HCFC-225ca)

CF₂ClCF₂CHClF (HCFC-225cb)

C₂H₂F₂Cl₂ (HCFC-226)

C₂H₂F₂Cl₂ (HCFC-231)

C₂H₂F₂Cl₂ (HCFC-232)

C₂H₂F₂Cl₂ (HCFC-233)

C₂H₂F₂Cl₂ (HCFC-234)

C₂H₂F₂Cl₂ (HCFC-235)

C₂H₂F₂Cl₂ (HCFC-241)

C₂H₂F₂Cl₂ (HCFC-242)

C₂H₂F₂Cl₂ (HCFC-243)

C₂H₂F₂Cl₂ (HCFC-244)

C₂H₂F₂Cl₂ (HCFC-251)

C₂H₂F₂Cl₂ (HCFC-252)

C₂H₂F₂Cl₂ (HCFC-253)

C₂H₂F₂Cl₂ (HCFC-261)

C₂H₂F₂Cl₂ (HCFC-262)

C₂H₂F₂Cl₂ (HCFC-271)

(4) Proposed class I, group VII, HBFCs

CHFB₂

CHFB₂Br (HBFC-22BI)

CH₂FBr

C₂HFB₂

C₂H₂F₂Br₂

C₂H₂F₂Br

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

C₂H₂F₂Br₂

(3) Importers are required to submit:

(i) Name, address and telephone number of a company contact;

(ii) The amount (in kilograms) of each of the listed substances which it imported into the United States or its territories, and for each shipment the Entry Number, Employer Identification Number (EIN) or importer number, the designated "importer of record" on the U.S. Customs Entry Summary Form, commodity code, its date of entry and the exporting country; and

(iii) Copies of the Entry Summary Form for each shipment (if these are unavailable, other official or business papers documenting the import may be substituted).

(4) Exporters are required to submit:

(i) Name, address and telephone number of a contact;

(ii) The amount (in kilograms) of each of the listed substances which in 1989 it exported from the United States or its territories, and for each shipment, the producer of the chemical, the date and port of exit, the EIN, the commodity code, and the country of final destination; and

(iii) Copies of the invoices documenting the purchase of the chemical from the producer, if applicable, and the shipper's export declaration, invoices or bills of lading for each shipment documenting the exported volume and date of the listed substance.

(5) Individuals and legal entities who destroyed, as defined in § 82.21(a), the controlled substances listed in § 82.21(c) must submit:

(i) Name, address, and telephone number of a company contact;

(ii) The amount (in kilograms) of each of the listed substance it destroyed in the United States;

(iii) The description of the destruction technology employed; and

(iv) The name of the source of the controlled substance.

(6) Individuals that produced, imported, exported, destroyed, or transformed methyl bromide, as defined in § 82.21(b) must report the amount of the compound that was sold or used as a fumigant for quarantine or pre-shipment purposes.

(e) Information required by this section must be submitted to EPA by September 10, 1993. Reports should be addressed to Peter Voigt, 6205J, Stratospheric Protection Division, Office of Air and Radiation, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

(f) Failure to submit this information by this date shall be a violation of section 114 of the Clean Air Act and may invalidate future claims for

(d) Individuals and legal entities meeting the conditions set forth in § 82.21(a) must submit the following information:

(1) Producers, as defined in § 82.21(a) who manufactured one or more of the substances listed in § 82.21(c) from raw material or feedstock are required to submit:

(i) Name, address and telephone number of a company contact;

(ii) The amount (in kilograms) of each listed substance it produced in the United States or its territories and the location of its production; and

(iii) Copies of plant production reports on volume produced, if available.

(2) Individuals or legal entities that transformed, as defined in § 82.21(b), controlled substances listed in § 82.21(c) are required to submit:

(i) Name, address and telephone number of a company contact;

(ii) The amount (in kilograms) of each listed substance in § 82.21(c) used and entirely consumed as a chemical intermediary;

(iii) Copies of plant production reports on volume produced, if available;

(iv) Copies of invoices or receipts documenting the purchase of the listed substance by the reporting company, if the reporting company is not the producer, if available;

(v) Description of the commercial use of the resulting chemical; and

(vi) Name of the company that produced the feedstock chemical.

allocation rights to produce or import chemicals produced or imported controlled substances listed in § 82.21(c).

[FR Doc. 93-17713 Filed 7-26-93; 8:45 am]
BILLING CODE 6580-50-P

40 CFR Part 52

[WA-6-1-5519; FRL-4679-2]

Approval and Promulgation of State Implementation Plans; Washington

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Environmental Protection Agency (EPA) proposes approval of the state implementation plan (SIP) submitted by the State of Washington Department of Ecology (Ecology) for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀). Implementation plan submittals were made by Ecology on February 17, 1989 and November 15, 1991 to satisfy certain federal Clean Air Act requirements for an approvable moderate PM₁₀ nonattainment area SIP for Thurston County, Washington. This action to approve this plan has the effect of making requirements adopted by the Ecology federally enforceable by EPA.

EFFECTIVE DATE: September 27, 1993.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air Programs Branch (AT-082), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the materials submitted to EPA may be examined during normal business hours at: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Environmental Protection Agency, Air Programs Branch, Docket # WA-6-1-5519, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101; Washington Department of Ecology, 4450 Third Avenue, SE., Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: George Lauderdale, Environmental Protection Agency, Air Programs Branch (AT-082), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6511.

SUPPLEMENTARY INFORMATION

I. Background

The Thurston County, Washington area was designated nonattainment for PM₁₀ and classified as moderate under

sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.¹ See 56 FR 56694 (November 6, 1991). The air quality planning requirements for moderate PM₁₀ nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act.² EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under title I of the Act, including those state submittals containing moderate PM₁₀ nonattainment area SIP requirements. See generally 57 FR 13498 (April 16, 1992); see also 57 FR 18070 (April 28, 1992).

On March 12, 1993, EPA announced its proposed approval of the moderate nonattainment area PM₁₀ SIP for Thurston County, Washington (58 FR 13575-13579). In that rulemaking action, EPA described its interpretations of title 1 and its rationale for proposing to approve the Thurston County PM₁₀ SIP taking into consideration the specific factual issues presented.

Those states containing initial moderate PM₁₀ nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

¹ The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, *et seq.*

² Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM₁₀ nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in this action and supporting information.

4. Provisions to assure that the control requirements applicable to major stationary sources of PM₁₀ also apply to major stationary sources of PM₁₀ precursors except where the Administrator determines that such sources do not contribute significantly to PM₁₀ levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Additional provisions are due at a later date. States with initial moderate PM₁₀ nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM₁₀ by June 30, 1992 (see section 189(a)). Such states also must submit contingency measures by November 15, 1993, which become effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM₁₀ NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543-13544).

II. Response To Comments

EPA received only one comment on its March 12, 1993, (58 FR 13575-13579) Federal Register proposal to approve the Thurston County moderate nonattainment area PM₁₀ SIP as a revision. An April 12, 1993, letter from Ecology pointed out that the EPA incorrectly proposed to approve a Washington State regulation on open burning (Chapter 173-425 WAC) which bans all outdoor burning in all PM₁₀ or CO nonattainment areas. Ecology noted that the regulation has not been submitted to EPA as a SIP revision. After further review, EPA has determined that Ecology is correct, and that on January 15, 1993 (58 FR 4579), EPA adopted the October 18, 1990, version of Chapter 173-425 WAC. The 1990 version is the most recently submitted and does not include the open burning ban in nonattainment areas. EPA will continue to include the October 18, 1990 version in the Washington State Implementation Plan. The regulation is not relied on to attain or maintain the PM₁₀ standards, therefore not including an outdoor burning ban in the Thurston County SIP revision will not impact the approvability of the revision.

III. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review and processing of SIP submittals (see 57 FR 13565-13566). In this action, EPA is approving revisions to the Washington State Implementation Plan for the Thurston County PM₁₀ nonattainment area. SIP revisions were submitted to

EPA on February 17, 1989 and November 15, 1991. EPA incorrectly referenced two letters from the Washington Department of Ecology as SIP revisions in the March 16, 1993 proposal. Letters dated December 26, 1989 and April 3, 1992 were actually additional discussion of previous SIP submittals. Since these letters were informational in nature, the SIP revisions were not altered and public review of the information was not necessary. EPA has determined that taken together the two SIP submittals (February 17, 1989 and November 15, 1991) meet all of the applicable requirements of the Act due November 15, 1991 and November 15, 1993. Among other things, the Washington Department of Ecology has demonstrated the Thurston County moderate PM₁₀ nonattainment area will attain the PM₁₀ NAAQS December 31, 1994.

EPA is approving the Thurston County, Washington nonattainment area contingency measure submitted by Ecology on November 15, 1991. In that submittal Ecology requested a conditional approval for the contingency measure. The regulation was subsequently adopted (January 3, 1992) and therefore EPA considers the contingency measure fully approved and part of the SIP.

IV. Administrative Review

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603

and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 27, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)) (See 42 U.S.C. 7607 (b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: June 29, 1993.

Jim McCormick,
Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 1, 1982.

Part 52, chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(41) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *
(41) On February 17, 1989 and November 15, 1991, the State of Washington Department of Ecology submitted PM₁₀ nonattainment area state implementation plan revisions for Thurston County, Washington.

(i) Incorporation by reference.

(A) February 17, 1989 letter from Washington Department of Ecology to EPA Region 10 submitting the PM₁₀ nonattainment area state implementation plan for Thurston County, Washington.

(B) The PM₁₀ nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on February 8, 1989.

(C) November 15, 1991 letter from Washington Department of Ecology to EPA Region 10 submitting revisions to the PM₁₀ nonattainment area state implementation plan for Thurston County, Washington.

(D) Revision to the PM₁₀ nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on November 14, 1991.

[FR Doc. 93-17777 Filed 7-26-93; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No. 117 NY 5-1-5810;
FRL-4678-8]

Approval and Promulgation of Implementation Plans; Revision to the State of New York Implementation Plan for Ozone

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the approval of a request by the State of New York to revise its State Implementation Plan (SIP) for ozone. This revision was prepared by the New York State Department of Environmental Conservation to correct deficiencies in New York's SIP pursuant to a SIP call issued in 1988 and pursuant to section 182(a)(2)(A) of the