ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–5199–7]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of partial stay and reconsideration.

SUMMARY: This action promulgates a partial stay of a provision of the refrigerant recycling regulations previously promulgated under section 608 of the Clean Air Act that restricts the sale of class I or class II refrigerants contained in appliances without fully assembled refrigerant circuits. On January 27, 1995, EPA partially stayed the effectiveness of 40 CFR 82.154(m), including the applicable compliance date, only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, for three months. That stay was promulgated pursuant to Clean Air Act section 307(d)(7)(B), which provides the Administrator authority to stay for three months the effectiveness of a rule during reconsideration.

This document extends the partial stay of the effectiveness of 40 CFR 82.154(m), including the applicable compliance date, pursuant to Clean Air Act section 301(a)(1). The partial stay will be in effect until such time as EPA takes final action on its reconsideration (including any appropriate regulatory action) of the rules in question.

EFFECTIVE DATE: April 27, 1995.

ADDRESSES: Comments and materials supporting this rulemaking are contained in Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M–1500. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Deborah Ottinger, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street, SW., Washington, DC 20460, (202) 233–9200. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

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I. Background

On December 16, 1994, Hamilton Home Products, a distributor of pre-charged split air-conditioning systems, petitioned the United States Environmental Protection Agency (EPA) to reconsider the amendment to the Refrigerant Recycling Rule promulgated on October 28, 1994, (59 FR 55912, November 9, 1994), particularly the sales restriction provision under 40 CFR 82.154(m) as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits. On January 6, 1995, Hamilton Home Products filed a petition in the United States Court of Appeals for the District of Columbia Circuit seeking review of this Refrigerant Recycling Rule (*Hamilton Home Products* v. *U.S. Envtl. Protection Agency,* D.C. Cir. No 95–1019) EPA has issued a temporary administrative stay of § 82.154(m) as it relates to appliances without fully assembled refrigerant circuits, and has initiated reconsideration of this provision (60 FR 14608, March 17, 1995).

II. Rules to be Stayed and Reconsidered

Final regulations published on May 14, 1993 (58 FR 28660), established a recycling program for ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. The regulations required technicians to observe practices that minimize release of refrigerant to the environment and to be certified as knowledgeable of these requirements (40 CFR 82.154, 82.156, 82.161). Moreover, to ensure that persons handling refrigerant are certified technicians, § 82.154(n) (now (m) by amendment) prohibited the sale of refrigerant unless the buyer was a certified technician or another exception applied. One exception was for refrigerant contained in an appliance. This exception was intended to permit uncertified individuals to purchase appliances, such as household refrigerators, whose installation would involve very little risk of refrigerant release (58 FR 28697).

On August 15, 1994, EPA proposed an amendment to the technician certification provisions of the rule to clarify the scope of the activities that may only be performed by a certified technician (59 FR 41968). During the comment period on the proposed rule, EPA became aware that it also needed to clarify the exception for pre-charged appliances from the sales restriction in light of the other amendments. It was not clear whether pre-charged split systems should be considered appliances, which are excepted, or components, which are not. Although sold as a package, a pre-charged split system is not a fully assembled appliance.

For the reasons given in the final rule (59 FR 55921), EPA revised the relevant paragraphs of § 82.154(n) to read ''Effective November 14, 1994, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance for use as a refrigerant to any person unless: * * * (6) The refrigerant is contained in an appliance, and after January 9, 1995, the refrigerant is contained in an appliance with a fully assembled refrigerant circuit * * *.''

After promulgation of the October 28, 1994, rule and within the 60-day judicial review period, Hamilton Home Products (Hamilton) objected to the rule and submitted information to EPA regarding the effects of the sales restriction on pre-charged split systems. Hamilton claims that it was impracticable to raise the objection during the comment period due to lack of notice. While EPA believes its final rule is a logical outgrowth of the notice, the notice itself did not specifically address pre-charged split systems.

Hamilton's petition for reconsideration states that the Quick Connect assembly used in Hamilton's products, which are sold to homeowners, ''enable[s] homeowners to have the installation completed with no refrigerant loss.'' In addition, Hamilton states that consumers who buy split systems themselves, rather than through a contractor, realize significant savings even if the consumer hires a contractor to assemble the refrigerant circuit. Finally, Hamilton argues that loss of the split-system market would represent an extreme economic burden on the company.

EPA has completed a preliminary review of Hamilton's information and is now reconsidering the sales restriction provisions in light of this new information. Hamilton's information indicates that the risk of release of refrigerant during the assembly of quick-connect split systems, and therefore the benefit of restricting sale of split

systems, may be small. At the same time, the cost to consumers and to distributors such as Hamilton of restricting sale of split systems may be significant.

III. Issuance of Administrative Stay

On January 27, 1995, EPA issued an immediately effective three-month administrative stay of the effectiveness of § 82.154(m), including all applicable compliance dates, as this provision applies to refrigerant contained in appliances without fully assembled refrigerant circuits (published in the **Federal Register** on February 7, 1995 at 60 FR 7386). This stay did not affect refrigerant contained in pre-charged parts or bulk containers.[1] EPA is reconsidering this rule, as discussed above and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action. If the reconsideration results in restrictions on the sale of class I and class II refrigerants that are stricter than the existing rule, EPA will propose an adequate compliance period from the date of final action on reconsideration. EPA will seek to ensure that the affected parties are not unduly prejudiced by the Agency's reconsideration.

IV. Additional Temporary Stay

EPA will not be able to complete the reconsideration (including any appropriate regulatory action) of the rules stayed by the Administrator within the three-month period expressly provided in section 307(d)(7)(B). While EPA is reconsidering the rules in question as expeditiously as practicable, EPA will not be able to issue a proposed action, seek public comment, and take final action before the temporary stay expires on April 27, 1995. Therefore, EPA believes it is appropriate to extend temporarily the stay of the effectiveness of the sales restriction as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits and the applicable compliance date. EPA is extending the stay from April 27, 1995, only until EPA completes final rulemaking upon reconsideration and that rule becomes effective.

V. Comments Received

EPA received over 60 comments on the proposed stay, both supporting and opposing the stay. In general, commenters who supported the stay argued that the stay would allow EPA to follow full notice and comment procedures before taking further action on the sales restriction as it applies to pre-charged split systems, that the risk of refrigerant release associated with purchase of pre-charged split systems by non-certified persons is small, that distributors, manufacturers, and retailers of pre-charged split systems would be economically harmed by failure to extend the stay, and that consumers realize significant savings by being able to buy pre-charged split systems from home product centers rather than through contractors.

Commenters who opposed the stay argued that the stay would result in significant refrigerant releases, that the stay was unfair and inconsistent with the rest of the section 608 refrigerant recycling program, that the stay would harm contractors' income, and that the cost to consumers of the sales restriction was small.

Several commenters who supported the stay cited EPA's need to pursue notice and comment rulemaking in order to reconsider the sales restriction. One commenter supported extending the stay only until Hamilton was able to clear its shelves of inventory accumulated before the rule promulgating the restriction on sale of split systems was published on November 9, 1994.

Many commenters who supported the stay argued that it was not likely to lead to refrigerant releases. Some stated that purchasers of pre-charged split systems would hire certified technicians to perform the part of the installation that involves violation of the refrigerant circuit. These commenters noted that hiring a certified technician for this task is still required by law and is often necessary to preserve the warranty on the equipment. Commenters also indicated that the risk of environmental damage was small no matter who performed the installation. Several commenters characterized connection of quick-connect fittings as being as ''simple as connecting a garden hose'' and described these connections as free of leaks.

In addition, Hamilton argued that the charge size of its split systems is small, and that the refrigerant is R–22, which is less harmful to the ozone layer than some other refrigerants. Moreover, Hamilton stated that split systems eliminated emissions from hooking up gauges and hoses, charging, soldering, brazing, and transporting refrigerant containers. Hamilton also stated that use of its split systems eliminated the risk of charging the wrong refrigerant into the air conditioner.

Several commenters noted that their businesses would be harmed by the reimposition of the sales restriction. These commenters included distributors, parts manufacturers and suppliers, and ''home center'' stores. Hamilton Home Products stated that reimposing the sales restriction any time before Labor Day would place Hamilton in an even worse economic situation than was the case when the restriction went into effect on January 9, because Hamilton has invested heavily in split systems in order to stay in business during this air-conditioning season. If the sales restriction were imposed on April 27, Hamilton and the Home Centers would be left with an inventory in excess of $6 million that could not be sold. Hamilton would also lose the value of investments it has made in sales training and advertising in the event of reimposition of the sales restriction. Although Hamilton sells other products besides pre-charged split systems (such as furnaces, humidifiers, and air cleaners), Hamilton claims that it would not be able to sell these other products unless it can also sell pre-charged split systems, because consumers like to be able to purchase ''total'' HVAC systems.

Commenters favoring the stay also stated that consumers save money by being able to buy air conditioners through home products stores, rather than through contractors. According to Hamilton, contractors often ''bundle'' equipment and installation, increasing the price of equipment in order to increase their profit margins. Thus, consumers who purchase their own equipment pay less than consumers who purchase their equipment through a contractor, even if the former subsequently hire a contractor to install the equipment. Moreover, many consumers choose to perform the non-refrigerant part of the installation themselves, saving more money. Hamilton claimed that homeowners purchasing Hamilton split systems save hundreds and often more than a thousand dollars. In support of these statements, Hamilton cited examples of customers who saved between $2,000 and $3,000 over the price quoted by major national and regional contractors.

Hamilton argued that contractors overstate the dangers of release from split systems because they wish to

[1] EPA considers a ''part'' to be any component or set of components that makes up less than an appliance. For example, this includes line sets, evaporators, or condensers that are not sold as part of a set from which one can construct a complete split system or other appliance. On the other hand, EPA considers a ''pre-charged split system'' to be a set of parts or components, at least one of which is pre-charged, from which one can assemble a complete split system. This may include a pre-charged condenser, pre-charged evaporator, and pre-charged line set, or simply a pre-charged condenser sold along with an evaporator and line set containing only nitrogen.

eliminate competition from Hamilton. Hamilton concluded that reinstating the sales restriction would protect against a non-existent and at worst de minimis risk at great expense.

Commenters who opposed the stay argued that the stay would result in refrigerant release because uncertified individuals would ultimately install most pre-charged split systems purchased directly by consumers, and special skills and equipment are needed to properly install these systems. These commenters disputed the claim that uncertified purchasers of split systems would hire certified technicians to perform the part of the installation that involves violation of the refrigerant circuit. First, according to the commenters, many such purchasers would buy equipment from home products stores precisely in order to avoid paying a third party for installation. Second, it would be relatively easy to violate the requirement to hire a certified technician without fear of detection. Commenters also stated that certified technicians would be reluctant to install pre-charged split systems purchased by homeowners because they could not operate on the wages of an installer and would not want to become involved in warranty disputes between the purchaser and the manufacturer. Certified technicians therefore either would refuse to do the work or would charge high prices for it, discouraging consumers from hiring them.

Several commenters opposing the stay stated that both quick-connect and other types of pre-charged split systems are difficult to install properly, and that if these systems are not installed properly, they tend to leak. These commenters noted that the quick-connect fittings must be tightened to a pre-set value in order to remain leak-free. If the fittings are under-tightened (for instance because the installer fails to properly oil the threads) or over-tightened, they will leak. According to the commenters, other parts of the split system can also release refrigerant if improperly installed; for instance, tubing may be kinked and parts of fittings or line sets may be removed to fit into the available space. If these parts are pre-charged or are charged without being leak-checked and repaired, they will release refrigerant. One commenter stated that mechanical fittings should be leak tested after installation, and that consumers do not have the equipment to perform such leak tests.

Commenters noted that other types of pre-charged split systems, in which only the condenser is pre-charged with refrigerant, are even more difficult to install. In these systems, components must be soldered or brazed together, leak tested and, if necessary, repaired, and evacuated. In addition, the charge must be checked and, if necessary, adjusted. These tasks require a range of equipment that the consumer is not likely to possess.

A number of contractors who opposed the stay stated that they frequently repaired split systems with quick-connect or other mechanical (as opposed to brazed or soldered) fittings. One commenter stated that in his experience, 25% of mechanical fittings fail within the first year of installation. Another commenter noted that he receives several calls in the summer to service ''do-it-yourselfer'' units that have leaked, sometimes releasing the entire charge.

Some commenters stated that pre-charged split systems using quick-connect fittings are no longer manufactured by many manufacturers of air-conditioning and refrigeration equipment because such systems tend to leak even when installed properly, or are difficult to service.

Two commenters stated that EPA should consider the fate of the refrigerant in the air conditioners being replaced by pre-charged, split systems. They stated that uncertified persons probably would not know that this refrigerant should be recovered, and if they did, they would not know how to remove it. As a result, this refrigerant would be vented to the atmosphere.

Numerous commenters argued that it was inconsistent and unfair to permit uncertified consumers to purchase pre-charged split systems while requiring technicians and contractors to become certified and acquire recovery and recycling equipment in order to remain in business. These commenters noted that technicians and contractors had invested thousands of dollars and considerable time to meet these requirements. They also stated that consumers who have little or no experience installing air-conditioning and refrigeration equipment are far more likely to release refrigerant than certified technicians. By perpetuating the stay, the commenters argued, EPA would be restricting its regulations to the group of individuals who least need to be regulated.

In addition, commenters noted that continued suspension of the restriction on sale of pre-charged split systems would be inconsistent with the restriction on sale of small cans of R–12 and other bulk containers of refrigerant, whose use involves approximately the same risk of refrigerant release.

Commenters also stated that the stay would give uncertified contractors a supply of equipment with which they could continue operating and would harm legitimate contractors' income. Other commenters expressed the opinion that Hamilton would not be so harmed by the restriction as it claims because it markets other types of split systems (besides quick-connects) to technicians. Some commenters stated the cost to consumers of the stay would be small, because competition among contractors restrains prices. Another commenter stated that any initial savings to the consumer would be negated either by higher contractor installation charges or by the need for subsequent service and repairs.

Several commenters proposed options that they believed would permit consumers to continue purchasing split systems while eliminating the risk of refrigerant release. Two commenters suggested that uncertified persons be permitted to buy split systems charged with nitrogen rather than refrigerant. Another commenter recommended that consumers be allowed to purchase split systems, but that certified technicians be required to accept delivery. EPA will consider these options in its reconsideration of the sales restriction.

VI. Response to Comments

EPA is concerned about the risks of refrigerant release from split systems identified by commenters who opposed the stay, and EPA intends to fully investigate these risks during its reconsideration of the restriction on sale of pre-charged split systems. However, EPA is temporarily extending the stay because (1) EPA has not yet had an opportunity to reconsider whether the adverse environmental impact of permitting sale of pre-charged split systems to uncertified technicians justifies the economic impact of restricting their sale; (2) the economic impact of immediate reimposition of the sales restriction on Hamilton Home Products and other distributors would potentially be severe and possibly irrevocable; and (3) potential environmental impacts are limited by the temporary nature of the stay, by the small size of the market affected, by the small charge size of residential split systems, and by the type of refrigerant in residential split systems.

EPA agrees with Hamilton and other commenters who supported the stay that EPA should not reimpose the sales restriction before EPA has had an opportunity to conduct more research and take further comment regarding both the environmental and economic impact of a restriction on sale of pre-

charged split systems. The comments on the stay have suggested a number of avenues for research, but have not definitively resolved any issues. EPA considers it necessary to obtain more extensive information before making its decision.

During the next few months, therefore, EPA plans to seek additional information regarding several issues. Specifically, EPA will be investigating the extent to which warranty and legal concerns are likely to encourage purchasers of pre-charged split systems to hire certified technicians to install their systems, the percentage of ''quick-connect'' pre-charged split systems that release refrigerant during or after installation, and the percentage of pre-charged split systems that are sold as replacements for existing air conditioners (whose charge should be removed by a certified technician). EPA will also attempt to compare the risk of refrigerant release from assembly of pre-charged split systems to the risk of refrigerant release from other activities for which technician certification is required. In addition, EPA will be investigating what fraction of Hamilton's air-conditioning and overall sales are accounted for by quick-connect, pre-charged split systems, and what prices consumers typically pay for air conditioners purchased through contractors as opposed to home centers. EPA is considering using its authority under section 114 of the Clean Air Act to secure information needed to carry out provisions of the Act in order to obtain this information and/or related information.

In addition to gathering more information, EPA will be investigating whether regulatory options that lie between permitting unrestricted sale of split systems to uncertified persons and totally banning sale of split systems to uncertified persons might address any environmental risk at less cost to consumers than a total ban on sale of split systems to uncertified persons.

EPA agrees with Hamilton that the economic consequences to Hamilton of reimposing the sales restriction at this time would be severe. Hamilton noted that it had approximately $5 million worth of equipment (including split systems, furnaces, air cleaners, and humidifiers) in inventory from last season. In addition, Hamilton stated that in order to stay in business during this air-conditioning season, it has invested in an additional $3 million in split systems. Immediate reimposition of the sales restriction would therefore leave Hamilton and its ''home center'' customers with several million dollars worth of inventory, much of which could not be sold. (Hamilton states that home centers are the only market for Hamilton and its supplier.) In addition, Hamilton would lose investments in training and advertising, and would have to pay freight costs for returned split systems. EPA believes that these losses, which would be virtually certain were EPA to reimpose the sales restriction immediately and which could potentially put Hamilton out of business permanently, are not justified given that EPA has not had an opportunity to finish its reconsideration of the risk of refrigerant release from split systems purchased by uncertified individuals.

Moreover, although EPA has not finished its reconsideration of this risk, EPA has reason to believe that any environmental impact from the stay will be limited. First, the stay is temporary. EPA expects to complete its reconsideration and rulemaking expeditiously, before the end of the year. If EPA finds that the risk of refrigerant release from split systems purchased by uncertified individuals justifies it, EPA will reimpose the restriction on sale of split systems to uncertified individuals at that time. Second, the market for pre-charged residential split systems[2] sold directly to consumers is currently small, and is not likely to change significantly during the brief period when the stay will be in effect. In its comments, Hamilton stated that it is the only distributor of pre-charged split systems to home centers in the U.S., and information submitted by Hamilton indicates that it sells less than 10,000 pre-charged split systems per year. This represents less than 0.2 percent of the 4.8 million residential air-conditioners and heat pumps sold in the U.S. last year.[3] Third, residential split systems typically contain between four and six pounds of refrigerant, a relatively small quantity. Fourth, this refrigerant is R–22, which is less destructive to stratospheric ozone than some other refrigerants. Taken together, these considerations indicate that the environmental impact from the stay would be limited, and is not sufficiently certain to outweigh the known economic harms.

Therefore, through this action, EPA is extending the stay of § 82.154(m) and the applicable compliance date, for appliances without fully assembled refrigerant circuits only, until EPA completes reconsideration of these regulations. This stay will expire when the final action regarding § 82.154(m) and the compliance date, with respect to refrigerant contained in appliances without fully assembled refrigerant circuits, are completed and effective.

[2] EPA recognizes that pre-charged split systems are also sold for non residential refrigeration and air-conditioning applications. However, based on comments received to date, EPA believes that the majority of split systems sold to uncertified persons are residential split air-conditioning systems.

[3] Estimated total sales of residential air conditioners drawn from ''Execs Predict: 1995 Won't Repeat 94's Records,'' The Air Conditioning, Heating, and Refrigeration News, January 9, 1995.

VII. Authority for Stay

The stay of the rule and associated compliance period announced by this notice are being undertaken pursuant to sections 608 and 307 of the Clean Air Act.

VIII. Effective Date

This action will be effective starting April 27, 1995, and will continue until EPA takes final action on its reconsideration of these provisions. This expedited effective date is necessary to prevent the restriction on sale of pre-charged split systems from being reimposed when the administrative stay expires on April 27, before EPA has an opportunity to complete its reconsideration. Providing for a 30-day delay in effectiveness after publication would be impracticable and contrary to the public interest. Because the stay relieves a regulatory burden through extension of the current stay, there is no need to provide time for education and compliance. Moreover, allowing the stay to lapse for a period of 30 days would briefly reinstate the sales restriction in an economically disruptive and harmful manner with extremely small and uncertain environmental benefit. Given the lack of burden upon affected parties and the need to make the stay effective April 27, 1995, EPA finds good cause for expediting the effective date of this rule. EPA believes that this is consistent with 5 U.S.C. 553 (d)(i) and (3).

IX. Summary of Supporting Analyses

A. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–602, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

This stay relieves a regulatory burden through extension of the current stay. Thus, the stay will not have an impact on the regulated community. An examination of the impacts of the section 608 rule as a whole on small entities was discussed in the final rule (58 FR 28660). That final rule assessed the impact the rule may have on small entities. A separate regulatory impact analysis accompanied the final rule and is contained in Docket A–92–01. I certify that this partial stay of the refrigerant recycling rule will not have any additional negative economic impacts on any small entities.

B. Unfunded Mandate Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires EPA to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing any small governments that may be significantly or uniquely affected by the rule. Section 205 requires that regulatory alternatives be considered before promulgating a rule for which a budgetary impact statement is prepared. The Agency must select the least costly, most cost-effective, or least burdensome alternative that achieves the rule's objectives, unless there is an explanation why this alternative is not selected or this alternative is inconsistent with law.

This stay relieves a regulatory burden; therefore, it is not expected to result in the expenditure of any additional funds by state, local, or tribal governments, or by the private sector. Because this stay is not estimated to result in the expenditure of any additional funds by state, local, and tribal governments, or by the private sector, the Agency has neither prepared a budgetary impact statement nor addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Small governments will not be affected at all by this rule; therefore, the Agency is not required to develop a plan with regard to small governments.

List of Subjects in 40 CFR Part 82

Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: April 24, 1995.

Carol M. Browner,

Administrator.

Part 82, chapter I, title 40, of the Code of Federal Regulations, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

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

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

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

§ 82.154 Prohibitions.

* * * * *

(m) * * *

(9) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.154(m), only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, is stayed from April 27, 1995, until EPA takes final action on its reconsideration of these provisions. EPA will publish any such final action in the **Federal Register**.

* * * * *

[FR Doc. 95–10617 Filed 5–8–95; 8:45 am]

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