

memorandum

DATE: February 1, 2002

REPLY TO
ATTN OF: Office of Environmental Policy and Guidance: Boulos: 6-1306

SUBJECT: Clean Air Act Proposed Rule Related to the Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances, for Review and Comment

TO: Distribution

The purpose of this memorandum is to notify Department of Energy (DOE) program offices and field organizations of, and solicit comments on, the Environmental Protection Agency's (EPA's) notice of proposed rulemaking, "Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes."

On January 29, 2002, EPA issued this notice in the Federal Register (67 FR 4222). The EPA is proposing to remove restrictions that were previously imposed on the use of certain substitutes for ozone-depleting substances (ODS) under the Significant New Alternatives Policy (SNAP) program.

Under Section 612 of the Clean Air Act, EPA established the SNAP program. SNAP's mandate is to identify alternatives to ODS and to publish lists of acceptable and unacceptable substitutes. Comprehensive SNAP lists can be obtained through EPA's Stratospheric Ozone Protection Hotline at: 1-800-296-1996. Also a complete chronology of SNAP decisions can be found at: <http://www.epa.gov/ozone/title6/snap/chron.html>.

In this Federal Register notice, EPA is specifically proposing to:

- change the listing from acceptable, subject to use conditions, to unacceptable, for a fire suppressant which the manufacturer has withdrawn from the market because of concerns about fetal toxicity;
- add a substitute to the SNAP list of acceptable substitutes with narrowed use limits in the fire suppression and explosion protection sector; and
- change a listing decision to remove a restriction from one substitute and to make it an acceptable agent for fire suppression and explosion protection, without use conditions or narrowed use limits.

EPA also issued a direct final rule in the Federal Register (67 FR 4185; January 29, 2002) because EPA considers these actions as noncontroversial revisions and anticipates no adverse comments to this proposal. This rule is effective on April 1, 2002 without further notice, unless EPA receives adverse comments.

The January 29 notice of proposed rulemaking can be found at <http://www.eh.doe.gov/oepa/rules/67/67fr4222.pdf> on the Office of Environmental Policy and Guidance (EH-41) Home Page. The direct final rule, which provides further detail on the rulemaking and the regulatory revisions to 40 CFR Part 82, Subpart G, can be found at <http://www.eh.doe.gov/oepa/rules/67/67fr4185.pdf>.

Please review the notice and submit any comments by February 20, 2002, to Mr. Emile Boulos of my staff at: emile.boulos@eh.doe.gov; fax: 202-586-0955. In developing comments, please indicate the specific page and section of the preamble of the Federal Register to which each comment pertains. Questions or concerns regarding this memorandum should be directed to Mr. Boulos.

A handwritten signature in black ink that reads "Andy Lawrence". The signature is written in a cursive, flowing style.

Andy Lawrence
Director
Office of Environmental Policy and Guidance