

§ 404.722 Rebuttal of a presumption of death.

A presumption of death made based on § 404.721(b) can be rebutted by evidence that establishes that the person is still alive or explains the individual's absence in a manner consistent with continued life rather than death.

Example 1: Evidence in a claim for surviving child's benefits showed that the worker had wages posted to his earnings record in the year following the disappearance. It was established that the wages belonged to the worker and were for work done after his "disappearance." In this situation, the presumption of death is rebutted by evidence (wages belonging to the worker) that the person is still alive after the disappearance.

Example 2: Evidence shows that the worker left the family home shortly after a woman, whom he had been seeing, also disappeared, and that the worker phoned his wife several days after the disappearance to state he intended to begin a new life in California. In this situation the presumption of death is rebutted because the evidence explains the worker's absence in a manner consistent with continued life.

4. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 205(a), (b), (d)-(h), and (j), 221(d), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405(a), (b), (d)-(h), and (j), 421(d), and 1302.

5. Paragraph (c)(4) introductory text and (c)(4)(i) of § 404.988 are revised to read as follows:

§ 404.988 Conditions for reopening.

* * * * *

(c) * * *

(4) Your claim was denied because you did not prove that a person died, and the death is later established—

(i) By a presumption of death under § 404.721(b); or

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 261 and 302**

[SWH-FRL-5191-5]

RIN 2050-AD59

Hazardous Waste Management System; Carbamate Production Identification and Listing of Hazardous Waste; and CERCLA Hazardous Substance Designation and Reportable Quantities; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is correcting minor errors in the amendments to the regulations which appeared in the **Federal Register** on February 9, 1995 (60 FR 7824).

EFFECTIVE DATES: April 17, 1995.

FOR FURTHER INFORMATION CONTACT: John Austin, (202) 260-4789.

SUPPLEMENTARY INFORMATION: In the February 9, 1995 final rule, EPA designated a number of discarded commercial chemical products, off-specification species, container residues, and spill residues as hazardous wastes. EPA is correcting typographical and omission errors in the listing of these chemicals. EPA also designated a number of substances as hazardous constituents based upon scientific studies which demonstrate that the substance has toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. In the course of EPA's determinations, final action on twelve substances was deferred. The text of the amendments to part 261, appendix VIII inadvertently lists one of the substances for which final action was deferred and also lists in error a hazardous waste designation of U389 for this substance. The substance, bis(dibutylcarbamothio) dioxodimolybdenum sulfurized (Chemical Abstracts Number 68412-26-0), was proposed as U398 not U389. EPA is deleting this inadvertent entry.

The final rule also inadvertently does not include the Appendix A list of the additions to CERCLA Section 302.4 in numerical sequence of their CAS Registry numbers. The Agency is amending Appendix A to § 302.4 to reflect the additions to Section 304.4 that were finalized by the February 9, 1994 notice.

On page 7483, the February 9, 1995 final rule states in error the compliance dates for new facilities to submit a Part B application and for permitted facilities to certify that the facility is in compliance with groundwater and financial responsibility requirements. Under section 3005(e)(3), not later than August 9, 1996, land disposal facilities newly qualifying for interim status under section 3005(e)(1)(A)(ii) also must submit a Part B permit application and certify that the facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements. For newly regulated land disposal units, permitted facilities must certify that the facility is in compliance

with all applicable 40 CFR 265 groundwater monitoring and financial responsibility requirements no later than August 9, 1996.

Dated: April 5, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Accordingly, the publication on February 9, 1995 of the final regulations, which were the subject of FR Doc. 95-2983, is corrected as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE [CORRECTED]

1. On page 7850, the table for § 261.33(e) is corrected by deleting "*1P198" following the substance entry for "Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino) carbonyl]oxy] phenyl]-, monohydrochloride" in column 3 and designating the entry as Hazardous Waste No. "P198" in column one. The entries in columns one and two for the substance "Mexacarbate" are deleted and replaced by "P128" and "315-8-4" respectively.

2. On page 7851, the Chemical Abstract Number in column one of the table for § 261.33(f) is corrected to read "121-44-8" for the substance N,N-diethylethanamine, and on page 7852, "122-42-9" for Propham, and "121-44-8" for Triethylamine.

Appendix VIII to Part 261—[Corrected]

3. Appendix VIII to Part 261—Hazardous Constituents is corrected by deleting from each column the entries for "Bis(dibutylcarbamothio) dioxodimolybdenum sulfurized" on page 7853, and the Common name "Physostigmine" corresponding to "P188" is revised to read "Physostigmine salicylate" on page 7855.

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION [CORRECTED]

4. On page 7859, the last entry to § 302.4 is corrected by revising the Hazardous Waste Code from "K160" to "K161".

5. Section 302.4 is amended by adding the following entries in numerical order of the CAS Registry number to Appendix A to § 302.4 to read as follows.

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES

CASRN	Hazardous substance
57476	Pyrrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)- (Physostigmine).
57647	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1) (Physostigmine salicylate).
64006	Phenol, 3-(1-methylethyl)-, methyl carbamate (m-Cumenyl methylcarbamate).
95067	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester (Sulfallate).
97745	Bis(dimethylthiocarbamoyl) sulfide (Tetramethylthiuram monosulfide).
97778	Thioperoxydicarbonic diamide, tetraethyl (Disulfiram).
101279	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester (Barban).
119380	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester (Isolan).
120547	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis- (Bis(pentamethylene)thiuram tetrasulfide).
122429	Carbamic acid, phenyl-, 1-methylethyl ester (Propham).
128030	Carbamodithioic acid, dimethyl-, potassium salt (Potassium dimethyldithiocarbamate).
128041	Carbamodithioic acid, dimethyl-, sodium salt (Sodium dimethyldithiocarbamate).
136301	Carbamodithioic acid, dibutyl, sodium salt (Sodium dibutyldithiocarbamate).
137291	Copper, bis(dimethylcarbamodithioato-S,S')- (Copper dimethyldithiocarbamate).
137304	Zinc, bis(dimethylcarbamodithioato-S,S')- (Ziram).
137417	Carbamodithioic acid, methyl-, monopotassium salt (Potassium n-methyldithiocarbamate).
137428	Carbamodithioic acid, methyl-, monosodium salt (Metam Sodium).
144343	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid (Selenium, tetrakis(dimethyldithiocarbamate)).
533744	2H-7,13,5-Thiadiazine-2-thione, tetrahydro-3,5-dimethyl- (Dazomet).
644644	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester (Dimetilan).
759944	Carbamothioic acid, dipropyl-, S-ethyl ester (EPTC).
1114712	Carbamothioic acid, butylethyl-, S-propyl ester (Pebulate).
1129415	Carbamic acid, methyl-, 3-methylphenyl ester (Metolcarb).
1134232	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester (Cycloate).
1563388	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl- (Carbofuran phenol).
1634022	Thioperoxydicarbonic diamide, tetrabutyl (Tetrabutylthiuram disulfide).
1646884	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime (Aldicarb sulfone).

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES—
Continued

CASRN	Hazardous substance
1929777	Carbamothioic acid, dipropyl-, S-propyl ester (Vernolate).
2008415	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester (Butylate).
2212671	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester (Molinate).
2303175	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester (Triallate).
2631370	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate (Promecarb).
5952261	Ethanol, 2,2'-oxybis-, dicarbamate (Diethylene glycol, dicarbamate).
10605217	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester (Carbendazim).
14324551	Zinc, bis(diethylcarbamodithioato-S,S')- (Ethyl Ziram).
14484641	Iron, tris(dimethylcarbamodithioato-S,S')- (Ferbam).
15339363	Manganese, bis(dimethylcarbamodithioato-S,S')- (Manganese dimethyldithiocarbamate).
17702577	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methylamino)carbonyl]oxy]phenyl]- (Formparanate).
17804352	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl, methyl ester (Benomyl).
22781233	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate (Bendiocarb).
22961826	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, (Bendiocarb phenol).
23135220	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester (Oxamyl).
23422539	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)carbonyl]oxy]phenyl]-, monohydrochloride (Formetanate hydrochloride).
23564058	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester (Thiophanate-methyl).
26419738	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl]oxime (Tirpate).
30558431	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester (A2213).
51026289	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt (Potassium n-hydroxymethyl-n-methyldithiocarbamate).
52888809	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester (Prosulfocarb).
55285148	Carbamic acid, [(dibutylamino)thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester (Carbosulfan).
55406536	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (3-Iodo-2-propynyl n-butylcarbamate).
59669260	Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester (Thiodicarb).