

5. Section 265.1082 is amended by revising paragraphs (a) introductory text, paragraph (a)(1), (a)(2), (a)(2)(iii), and (a)(2)(iv) to read as follows:

**§ 265.1082 Schedule for implementation of air emission standards.**

(a) Owners or operators of facilities existing on June 6, 1996, and subject to subparts I, J, and K of this part shall meet the following requirements:

(1) Install and begin operation of all control equipment required by this subpart by June 6, 1995, except as provided for in paragraph (a)(2) of this section.

(2) When control equipment required by this subpart cannot be installed and

in operation by June 6, 1996, the owner or operator shall:

\* \* \* \* \*

(iii) For facilities subject to the recordkeeping requirements of § 265.73 of this part, the owner or operator shall enter the implementation schedule specified in paragraph (a)(2)(ii) of this section in the operating record no later than June 6, 1996.

(iv) For facilities not subject to § 265.73 of this part, the owner or operator shall enter the implementation schedule specified in paragraph (a)(2)(ii) of this section in a permanent, readily available file located at the facility no later than June 6, 1996.

\* \* \* \* \*

**PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS**

6. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

**Subpart A—Requirements for Final Authorization**

7. Section 271.1(j) is amended by revising the December 6, 1994 entry in Table 1 to read as follows:

**§ 271.1 Purpose and scope.**

\* \* \* \* \*

(j) \* \* \* \*

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	FEDERAL REGISTER reference	Effective date
* * * * * December 6, 1994.	* * * * * Air Emission Standards for Tanks, Surface Impoundments, and Containers .....	* * * * * 59 FR 62896–62953	* * * * * June 6, 1996.

8. Section 271.1(j) is amended by revising the December 6, 1995 entry in Table 2 to read as follows:

**§ 271.1 Purpose and scope.**

\* \* \* \* \*

(j) \* \* \* \*

TABLE 2.—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	FEDERAL REGISTER reference
* * * * * June 6, 1996 .....	* * * * * Air Emission Standards for Tanks, Surface Impoundments, and Containers .....	* * * * * 3004(n)	* * * * * 59 FR 62896–62953

[FR Doc. 95–27950 Filed 11–9–95; 8:45 am]  
BILLING CODE 6560–50–P

**40 CFR Parts 766 and 799**

[OPPTS–40028; FRL–4956–3]

**Technical Amendments to Test Rules and Consent Orders; Republication**

Editorial Note: This document was originally published at 60 FR 50432, September 29, 1995, and is being reprinted in its entirety because of typesetting errors.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These

modifications, requested by test sponsors, will be incorporated and codified in the respective test regulation or consent order. Because these modifications do not significantly alter the scope of a test or significantly change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA annually publishes a notice describing all of the modifications granted by letter for the previous year.

**EFFECTIVE DATE:** This rule is effective on September 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551, Internet: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a rule published in the Federal Register of September 1, 1989 (54 FR 36311), amending procedures for modifying test standards and schedules for test rules and testing consent orders under section 4 of TSCA. The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for its completion. These modifications are approved by letter without public comment. The rule also requires immediate placement of these letters in EPA’s public files and publication of these modifications in the Federal Register. This document includes modifications approved from January 1, 1994, through December 31, 1994. For a detailed description of the rationale for these modifications, refer

to the submitters' letters and EPA's responses in the public record for this rulemaking.

I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific CAS number and docket number. Copies of correspondence relating to specific

chemical modifications may be found in docket number (OPPTS-40028) established for this rule. The following table lists all chemical-specific modifications approved from January 1, 1994, through December 31, 1994.

MODIFICATIONS TO TEST STANDARDS AND CONSENT ORDERS JANUARY 1, 1994 THROUGH DECEMBER 31, 1994

Chemical/CAS Number	Chemical FR Cite	Test	Modifications	Docket No.
<b>Final Rule Chemicals</b>				
<b>Dioxins.</b>				
Pentabromodiphenyloxide .....	766.35 .....	Analytical testing .....	5 .....	40028/83002M
Octabromodiphenyloxide .....	766.35 .....	Analytical testing .....	5 .....	40028/83002M
Tetrabromobisphenol-A .....	766.35 .....	Analytical testing .....	5 .....	40028/83002M
Decabromodiphenyloxide .....	766.35 .....	Analytical testing .....	5 .....	40028/83002M
2,3,5,6-tetrachloro-2,5-cyclohexadiene-1,4-dione.	766.35 .....	Analytical testing .....	5 .....	40028/83002M
1,2-bis(tribromophenoxy)ethane .....	766.35 .....	Analytical testing .....	5 .....	40028/83002M
Isopropanol .....	799.2325 .....	Vapor inhalation oncogenicity study in rats .....	5 .....	40028/42097B
<b>Office of Drinking Water.</b>				
Chloroethane .....	799.5075 .....	Subacute and subchronic testing .....	5 .....	40028/42111F
1,1-dichloroethane .....	799.5075 .....	Subacute and subchronic testing .....	5 .....	40028/42111F
1,1,2,2-tetrachloroethane .....	799.5075 .....	Subacute and subchronic testing .....	2, 5 .....	40028/42111F
1,3,5-trimethylbenzene .....	799.5075 .....	Subacute and subchronic testing .....	5 .....	40028/42111F
<b>Consent Order Chemicals</b>				
Refractory ceramic fibers .....	799.5000 .....	Submission of raw data by June 29, 1994; submission of report with data analysis by July 18, 1994; bi-annual meeting rescheduled for August 12, 1994..	3 .....	40028/42166B
Sodium cyanide .....	799.5000 .....	Plant uptake and translocation study .....	5 .....	40028/42118

Modifications

1. Modify sampling schedule.
2. Change to test substance (form/purity).
3. Change in non-critical test procedure or condition.
4. Add satellite group for further testing.
5. Extend test or protocol deadline, delete test initiation date.
6. Clarify and/or add specific guideline requirement.
7. Alternate specific guideline requirement approved for certain test(s).
8. CAS No. correction.
9. Test standard amendment.

Note: In § 766.35(b)(4)(i) changes have been made to four existing chemicals and one new submitter is added to the table; however, for the convenience of the user, the entire table is being revised.

II. Public Record

EPA has established a public record for this rulemaking (Docket number OPPTS-40028). The record includes the information considered by EPA in evaluating the requested modifications.

The record is available for inspection from 12:00 noon to 4 p.m., Monday through Friday, except legal holidays, in Rm. NEB-607, 401 M St., SW., Washington, DC 20460.

III. Regulatory Assessment Requirements

A. Analyses Under E.O. 12866, and the Unfunded Mandates Act of 1995

Because the modifications to the subject testing actions do not impose any additional requirements, this action is not "significant" within the meaning of Executive Order 12866 (58 FR 51735, October 4, 1993), and does not impose any Federal mandate on any State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), it has been determined that this action will not have a significant economic impact on a significant number of small entities.

C. Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C 3501, and have been assigned OMB control number 2070-0033. EPA has determined that this rule does not change existing recordkeeping or reporting requirements nor does it impose any additional recordkeeping or reporting requirements.

List of Subjects

40 CFR Part 766

Dibenzo-para-dioxins/dibenzofurans, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, Testing.

Dated: September 25, 1995.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR parts 766 and 799 are amended as follows:

1. In part 766:

**PART 766—[AMENDED]**

a. The authority citation for part 766 continues to read as follows:  
Authority: 15 U.S.C. 2603 and 2607.

b. In § 766.35, by revising paragraph (a)(2)(i)(B)(3), the table to paragraph (a)(2)(ii)(A), and the table to paragraph (b)(4)(i) and paragraph (f) to read as follows:

**§ 766.35 Dibenzo-para-dioxins/dibenzofurans.**

- (a) \* \* \*

(2) \* \* \*  
 (i) \* \* \*  
 (B) \* \* \*  
 (3) The deadline for submitting protocols for pentabromodiphenyloxyde (CAS No. 32534-81-9) is February 6,

1995. The deadline for submitting tetrabromobisphenol-A-bisethoxyate (CAS No. 4126-45-2) is January 31, 1991.  
 \* \* \* \* \*

(2) \* \* \*  
 (ii) \* \* \*  
 (A) \* \* \*

CAS No.	Submitter	Chemical	Due date
118-75-2 ..	Rhone-Poulenc .....	2,3,5,6-tetrachloro-2,5-cyclohexaniene-1,4-dione .....	March 4, 1994

\* \* \* \* \*  
 (b) \* \* \*  
 (4) \* \* \*

(i) \* \* \*

CAS No.	Submitter	Chemical	Due Date	Effective Date
79-94-7	Great Lakes	Tetrabromobisphenol-A	May 26, 1992	May 28, 1993
79-94-7	Ethyl	Tetrabromobisphenol-A	August 10, 1992	May 28, 1993
79-94-7	Ameribrom	Tetrabromobisphenol-A	April 15, 1994	September 29, 1995
87-10-5	Pfister	3,4',5-tribromosalicylanilide	45 days after protocol approval	May 28, 1993
118-79-6	Great Lakes	2,4,6-Tribromophenol	May 26, 1992	May 28, 1993
1163-19-5	Ameribrom	Decabromodiphenyloxyde	April 15, 1994	September 29, 1995
1163-19-5	Ethyl	Decabromodiphenyloxyde	May 26, 1992	May 28, 1993
1163-19-5	Great Lakes	Decabromodiphenyloxyde	May 26, 1992	May 28, 1993
4162-45-2	Great Lakes	Tetrabromobisphenol-A-bisethoxyate	June 2, 1993	September 8, 1994
25327-89-3	Great Lakes	Allyl Ether of Tetrabromobisphenol-A	August 10, 1992	May 28, 1993
32534-81-9	Great Lakes	Pentabromodiphenyloxyde	March 22, 1993	September 8, 1994
32534-81-9	Akzo Chemicals Inc.	Pentabromodiphenyloxyde	February 6, 1995	September 29, 1995
32534-81-9	Ameribrom	Pentabromodiphenyloxyde	March 22, 1993	September 8, 1994
32536-52-0	Ameribrom	Octabromodiphenyloxyde	January 8, 1993	September 29, 1995
32536-52-0	Ethyl	Octabromodiphenyloxyde	May 15, 1994	May 28, 1993
32536-52-0	Great Lakes	Octabromodiphenyloxyde	May 26, 1992	May 28, 1993
37853-59-1	Great Lakes	1,2-bis(tribromophenoxy)ethane	January 24, 1995	September 29, 1995

\* \* \* \* \*

(f) *Effective date.* (1) The effective date of this final rule is July 6, 1987, except for paragraphs (a)(2)(i)(B) introductory text, (a)(2)(i)(B)(1), (a)(2)(i)(B)(2), (a)(2)(i)(B)(3), (a)(2)(i)(B)(4), the table in paragraph (a)(2)(ii)(A), and the table in paragraph (b)(4)(i) of this section.

(2) The effective date for paragraph (a)(2)(i)(B) introductory text, (a)(2)(i)(B)(1), (a)(2)(i)(B)(2), and (a)(2)(i)(B)(4), is May 21, 1991. The effective date of paragraphs (a)(2)(i)(B)(3), and the table in paragraph (a)(2)(ii)(A) is September 29, 1995. The effective date of paragraph (b)(4)(i) introductory text is May 28, 1993, and the effective date of the entries in the table in paragraph (b)(4)(i) is shown in the effective dates column of the table.

(3) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

2. In part 799:

**PART 799—[AMENDED]**

a. The authority citation for part 799 continues to read as follows:  
 Authority: 15 U.S.C. 2603, 2611, 2625.

b. In § 799.2325 by revising paragraphs (c)(8)(ii)(A) and (d) to read as follows:

**§ 799.2325 Isopropanol**

\* \* \* \* \*

(c) \* \* \*

(8) \* \* \*

(ii) \* \* \* (A) The oncogenicity test shall be completed and the final report submitted to EPA by July 5, 1994.

\* \* \* \* \*

(d) *Effective date.* (1) The effective date of this final rule is December 4, 1989, except for the provisions of paragraphs (c)(5)(i)(C)(1), (c)(5)(ii)(A)(3), (c)(6)(i)(D), and (c)(8)(ii)(A), of this section. The effective date for paragraphs (c)(5)(i)(C)(1), and (c)(5)(ii)(A)(3) of this section is May 21, 1990. The effective date for paragraphs (c)(6)(i)(D) of this section is May 21,

1991. The effective date of paragraph (c)(8)(ii)(A) is September 29, 1995.

(2) The guidelines and other test methods cited in this rule are references as they exist on the effective date of the final rule.

c. In § 799.5075 by revising paragraphs (a)(2), (c)(1)(ii)(A), (c)(1)(ii)(B), (c)(2)(ii)(A) and paragraph (d) to read as follows:

**§ 799.5075 Drinking water contaminants subject to testing.**

(a) \* \* \*

(2) A test substance of at least 99 percent purity shall be used for Chloroethane, 1,1-dichloroethane, and 1,3,5-trimethylbenzene. A test substance of at least 98 percent purity shall be used for 1,1,2,2-tetrachloroethane.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) \* \* \* (A) The subacute testing for chloroethane shall be completed and the final report submitted to EPA by March 27, 1995. The subacute testing for

1,1-dichloroethane and 1,1,2,2-tetrachlorethane shall be completed and the final report submitted to EPA by April 27, 1995. The subacute testing for 1,3,5-trimethylbenzene shall be completed and the final report submitted to EPA by February 11, 1995.

(B) Except for 1,3,5-trimethylbenzene, a progress report shall be submitted to EPA for each test beginning 6 months after the date specified in paragraph (d)(1) of this section and at 6-month intervals thereafter until the final report is submitted to EPA. The progress report for 1,3,5-trimethylbenzene shall be submitted to EPA by April 10, 1995.

(2) \* \* \*

(ii) \* \* \* (A) The subchronic testing for chloroethane shall be completed and the final report submitted to EPA by June 27, 1995. The subchronic testing for 1,1-dichloroethane and 1,1,2,2-tetrachlorethane shall be completed and the final report submitted to EPA by August 27, 1995. The subchronic testing for 1,3,5-trimethylbenzene shall be completed and the final report submitted to EPA by April 10, 1995.

\* \* \* \* \*

(d) *Effective date.* (1) This section is effective on December 27, 1993 except for paragraphs (a)(2), (c)(1)(ii)(A), (c)(1)(ii)(B), and (c)(2)(ii)(A). The effective date for paragraphs (a)(2), (c)(1)(ii)(A), (c)(1)(ii)(B), (c)(2)(ii)(A) is September 29, 1995.

(2) The guidelines and other test methods cited in this section are referenced as they exist on the effective date of the final rule.

[FR Doc. 95-24211 Filed 9-28-95; 8:45 am]

BILLING CODE 1505-01-F

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 173

[Docket HM-215A; Amdt. No. 173-242]

RIN 2137-AC42

### Implementation of the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Response to petition for reconsideration.

**SUMMARY:** On December 29, 1994, RSPA published a final rule which amended the Hazardous Materials Regulations to

maintain alignment with corresponding provisions of international standards. A final rule correcting errors in the December 29, 1994 final rule and responding to petitions for reconsideration was published on May 18, 1995. This final rule denies a petition for reconsideration to the May 18, 1995 final rule concerning adoption of certain testing provisions for plastic aerosol containers.

**EFFECTIVE DATE:** The effective date for the final rules published under Docket HM-215A on December 29, 1994 (59 FR 67390), and May 18, 1995 (60 FR 26796), remains October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy Machado, Office of the Chief Counsel, (202) 366-4400, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street S.W., Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** On July 18, 1994, RSPA published a Notice of Proposed Rulemaking (NPRM) (59 FR 36488) proposing changes to the Hazardous Materials Regulations (HMR) in order to maintain alignment with corresponding provisions of the recently revised International Maritime Dangerous Goods Code (IMDG Code), International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations). On December 29, 1994, RSPA published a final rule under Docket HM-215A (59 FR 67390). A final rule published on May 18, 1995 (60 FR 26796), incorporated editorial and technical revisions to the December 29, 1994 final rule based on the merit of petitions and other revisions RSPA determined to be necessary to correct or clarify the final rule.

One of these editorial revisions entailed deleting all references in § 173.306(a)(3)(v) to testing procedures for certain non-specification plastic aerosol containers. (Section 173.306(a)(3)(v) enumerates one of the five different conditions that must be met in order to ship limited quantities of compressed gas in *metal* containers.) Language in the preamble to the July 18, 1994 NPRM and in the December 29, 1994 final rule suggested that RSPA intended to add *testing provisions* for plastic aerosol containers. However, the HMR do not authorize the use of plastic aerosol containers, and both documents were silent on any intent to authorize the use of plastic aerosol containers. In proposing and adopting revisions to

§ 173.306(a)(3)(v), RSPA inadvertently incorporated UN Recommendation language regarding testing procedures for plastic containers. (See, UN Recommendations, Eighth Ed. ¶¶9.8.1 and 9.8.2 entitled "Leakproofness Test for Aerosols and Small Receptacles for Gas.")

This drafting error was brought to RSPA's attention by a member of petitioner Winston & Strawn's staff during a telephone conversation with a RSPA staff member, and in a subsequent letter dated January 10, 1995, seeking clarification of the origin and intent of the amendments to § 173.306(a). On May 16, 1995, RSPA responded to petitioner's letter and stated that

Based on a provision in the UN Recommendations, RSPA proposed and incorporated a hot water bath test for aerosol containers in § 173.306(a)(3)(v). By adopting provisions identical to those contained in the UN Recommendations, RSPA failed to remove wording referring to certain non-specification plastic aerosol containers. It was not RSPA's intent in amending § 173.306 to authorize the use of plastic containers, and the final rule made no revisions to paragraphs (a)(3) and (a)(3)(ii), which specify only metal containers. We plan to amend paragraph (a)(3)(v) to remove all reference to plastic containers in order to clarify that they are not authorized for use under the HMR.

On May 18, 1995, RSPA published a final rule and amended § 173.306(a)(3)(v) to remove all references to plastic containers. RSPA explained that in adopting provisions identical to those contained in the UN Recommendations regarding metal containers, it had failed to remove wording referring to testing of certain non-specification plastic aerosol containers. Because plastic containers are not authorized for use under § 173.306(a)(3), RSPA removed all references to the hot water immersion test for plastic containers from § 173.306(a)(3)(v).

On June 16, 1995, Winston & Strawn filed a petition for reconsideration of this issue, on behalf of an unnamed client, on the grounds that adequate notice and an opportunity to comment were not given for this change, as required under the Administrative Procedure Act, 5 U.S.C. 553, and that RSPA's actions were arbitrary and capricious. The petitioner asked RSPA to reinstate § 173.306(a)(3)(v) as originally promulgated in the December 29, 1994 final rule. The petitioner also asked that RSPA make several "editorial revisions" in paragraphs (a)(3) and (a)(3)(ii) so as to authorize the use of plastic containers for aerosols. A copy of this petition for reconsideration is on file in the Dockets Unit (DHM-30),