

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42088F; FRL 3981-8]

RIN 2070-AB94

Office of Solid Waste Chemicals Test Rules; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document corrects a test rule under 40 CFR 799.5055 on hazardous waste constituents, published in the Federal Register of June 15, 1988 (53 FR 22300). This action is necessary to correct a Chemical Abstracts Service (CAS) number reference to trichloromethanethiol testing requirements.

EFFECTIVE DATE: December 1, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA is correcting 40 CFR 799.5055 (53 FR 22300) by correcting the hazardous waste constituent trichloromethanethiol CAS designation to 75-70-7 from the incorrectly listed CAS Number 594-42-3.

In accordance with section 4(a) of the Toxic Substances Control Act (TSCA), a rule was promulgated under 40 CFR 799.5055 (53 FR 22300; June 15, 1988) to require health effects and/or chemical fate testing for 24 chemicals that are hazardous waste constituents. One of these chemicals, trichloromethanethiol was designated for hydrolysis testing, soil adsorption testing and subchronic testing.

EPA, in response to an August 1989 telephone inquiry from DuPont, reviewed the CAS Number designation

made in the final rule publication in the Federal Register. From this review, EPA determined that the correct CAS Number was 75-70-7. EPA also determined that the transposition of the incorrect CAS Number was apparently made at the time of the preparation of the original candidate testing list from the RCRA Hazardous Wastes List (40 CFR part 261 Appendix VIII).

Because the error in CAS Number designation was the result of a transcription error by EPA, public comment is not necessary. The chemical name has been correctly identified in the OSW Final Test Rule so that there should have been no confusion as to the identity of the chemical to be tested. EPA finds that making this deletion effective immediately will relieve administrative and testing burdens, and that good cause exists to make the amendment immediately effective.

Accordingly, the table in 40 CFR 799.5055(c) is corrected by deleting the entries for "Trichloromethanethiol, CAS No. 594-42-3" and replacing them with "Trichloromethanethiol, CAS No. 75-70-7".

Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this technical amendment is not major because it does not meet any of the criteria set forth in section 1(b) of the Order: i.e., it will not have an annual effect on the economy of at least \$100 million, will not cause a major increase in prices, and will not have significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (15 U.S.C. 601, *et seq.*, Pub. L. 96-354, September 19, 1980), EPA is certifying that this technical amendment will not have a significant impact on a substantial number of small businesses because the chemical name has been correctly identified in the OSW Final Test Rule so that there should have been no confusion as to the identity of the chemical to be tested.

C. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA has determined that there are not any "collection of information" requirements as result of this amendment to the rule. Therefore, this technical amendment was not submitted to OMB for approval.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical exports, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Testing.

Dated: November 22, 1989.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 799 is amended as follows:

PART 799—(AMENDED)

1. The authority citation continues to read as follows:

Authority: 15 U.S.C. 2603.

2. In § 799.5055(c) by revising the entry for "Trichloromethanethiol" to read as follows:

§ 799.5055 Hazardous waste constituents to testing.

(c) ***

Chemical name	CAS No.	Required testing under paragraphs (c) and (e) of this section
Trichloromethanethiol	75-70-7.	(d)(1), (2), (e)(1)

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172