

Sunshine Act Meetings

Federal Register

Vol. 51, No. 188

Monday, September 29, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 33696.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, September 30, 1986.

CORRECTION IN THE MEETING STATUS:

STATUS: Part will be open to the public and part will be closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Cynthia C. Matthews, Executive Officer Executive Secretariat, at (202) 634-6748.

Dated and Issued: September 25, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 86-22078 Filed 9-25-86; 3:14 pm]

BILLING CODE 6750-06-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume 51, No. 187.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time), Monday, October 6, 1986.

CHANGE IN THE MEETING:

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operation: Resolution

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Proposed Commission Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION:

Cynthia C. Matthews, Executive Officer at (202) 634-6748.

Dated and Issued: September 25, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 86-22079 Filed 9-25-86; 3:42 pm]

BILLING CODE 6750-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, September 23, 1986, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of recommendations regarding the Corporation's assistance agreements with insured banks.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: September 24, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-22047 Filed 9-25-86; 11:18 am]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 9/19/86, 51 FR 33831.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 25, 1986, 10:00 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG-7

TA86-3-42-000, Transwestern Pipeline Company

CAG-55

RP86-94-005, Sea Robin Pipeline Company

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22076 Filed 9-25-86; 3:04 pm]

BILLING CODE 6717-02-M

5

SECURITIES AND EXCHANGE COMMISSION Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, September 25, 1986, at 450 5th Street, NW., Washington, DC, to consider the following items.

Litigation matter.

Settlement of injunctive action.

Commissioner Cox, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Mahaffey at (202) 272-2091.

Jonathan Katz,

Secretary.

September 23, 1986.

[FR Doc. 86-22058 Filed 9-25-86; 1:05 pm]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY**"FEDERAL REGISTER" CITATION OF**

PREVIOUS ANNOUNCEMENT: 51 FR 184
(September 23, 1986).

**PREVIOUSLY ANNOUNCED TIME AND DATE
OF MEETING:** 10:30 a.m. (EDT), Thursday,
September 25, 1986.

**PREVIOUSLY ANNOUNCED PLACE OF
MEETING:** TVA West Tower Auditorium,
400 West Summit Hill Drive, Knoxville,
Tennessee.

STATUS: Open.

ADDITIONAL MATTERS: The following
items are added to the previously
announced agenda:

C. Power Items

4. Letter Agreement covering arrangements
for establishment of temporary 13-kV
emergency connection between TVA and
East Kentucky Power Cooperative.

F. Unclassified

9. Supplement to Interagency Agreement
No. TV-69546A with the U.S. Forest
Service, Department of Agriculture,
providing for assistance with mapping
activities in connection with pilot test
being conducted by the Forest Service in
the George Washington National Forest
in Virginia.

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr.,
Director of Information, or a member of
his staff can respond to requests for
information about this meeting. Call
615-632-6000, Knoxville, Tennessee.
Information is also available at TVA's
Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has
found, the public interest not requiring
otherwise, that TVA business requires
the subject matter of this meeting be
changed to include the additional items
shown above and that no earlier
announcement of this change was
possible.

The members of the TVA Board voted
to approve the above findings and their
approvals are recorded below:

Dated: September 24, 1986.

Approved.

C.H. Dean, Jr.,

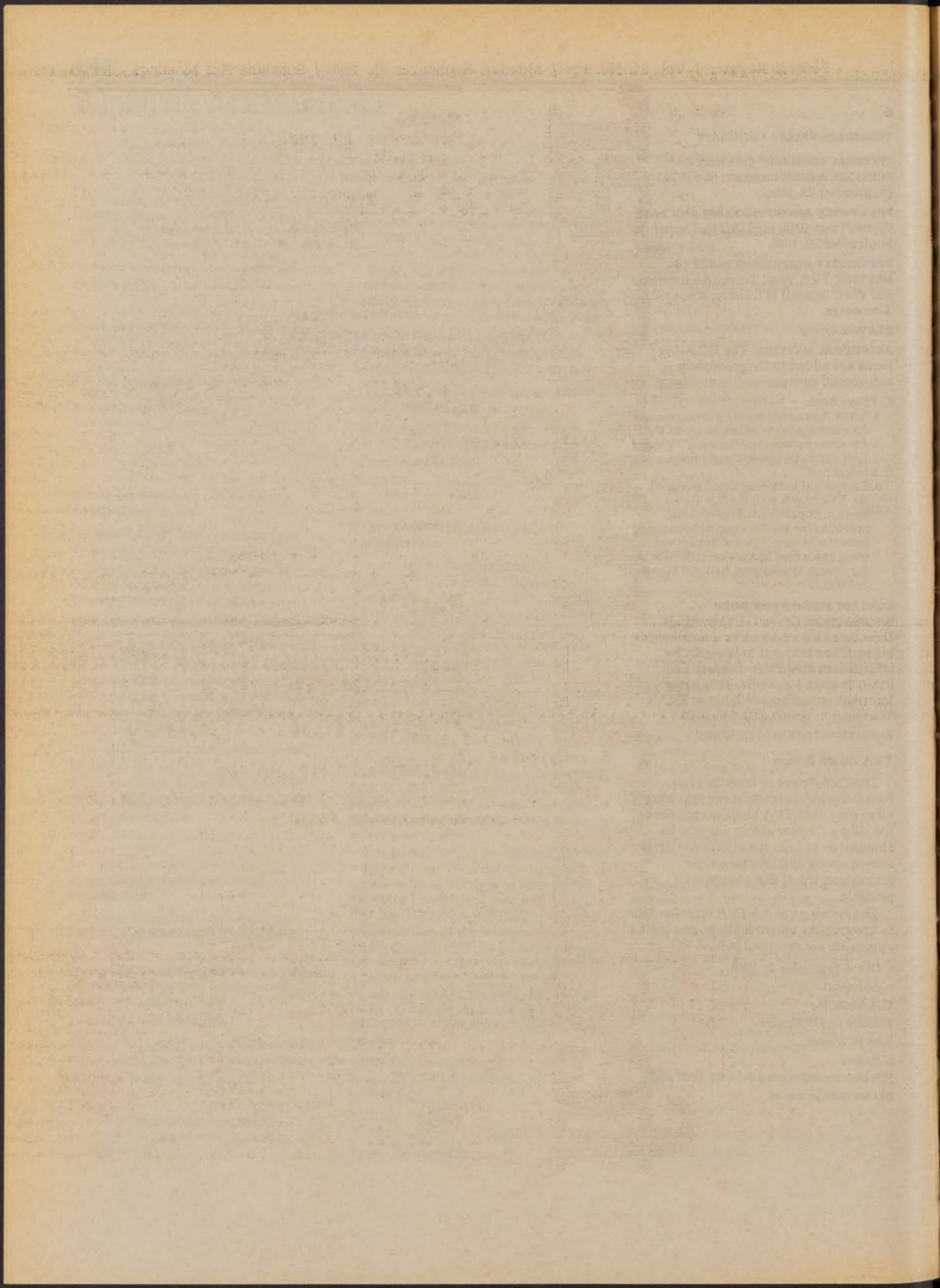
Director and Chairman.

John B. Waters,

Director.

[FR Doc. 86-22056 Filed 9-25-86; 12:47 pm]

BILLING CODE 8120-01-M



Environmental Protection Agency

Monday
September 29, 1986

Part II

Environmental Protection Agency

40 CFR Parts 117 and 302

**Superfund Programs; Reportable Quantity
Adjustments; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 117 and 302

[SW H-FRL 3032-9]

Superfund Programs; Reportable Quantity Adjustments

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Sections 103(a) and 103(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") require that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities ("RQs") immediately notify the National Response Center ("NRC") of the release. Section 102(b) of CERCLA establishes RQs for releases of designated hazardous substances at one pound, unless other reportable quantities were established pursuant to section 311(b)(4) of the Clean Water Act ("CWA").

Section 102(a) authorizes the Administrator of the U.S. Environmental Protection Agency ("EPA") to adjust these RQs, and to designate as hazardous substances, substances which when released into the environment may present substantial danger to the public health or welfare or the environment. A final rule published on April 4, 1985 (50 FR 13456) adjusted RQs for 340 hazardous substances. In a Notice of Proposed Rulemaking ("NPRM") also published on April 4, 1985, the Agency proposed adjusted RQs for 105 additional hazardous substances (50 FR 13514). This rule finalizes the RQ adjustments proposed in the April 4, 1985 NPRM.¹ By making these adjustments, the Agency will be able to focus its resources on those releases which are most likely to pose potential threats to public health, welfare, and the environment. In addition, these adjustments will relieve the regulated community of the burden of reporting releases which are unlikely to pose such threats. Today's rule adjusts not only the statutory one-pound RQs, but also the RQs established pursuant to section 311(b)(4) of the CWA.

¹ The Agency has decided to retain the statutory one-pound RQs for lead, pentachloroethane, and methyl chloride, pending analysis of their potential carcinogenicity. Therefore, today's rule adjusts RQs for 102 of the 105 hazardous substances for which the April 4, 1985 NPRM proposed adjusted RQs. For further discussion of this issue, see Section III.C. of this preamble.

When there is a release of a hazardous substance in a quantity equal to or greater than its RQ as listed in 40 CFR 302.4 (as amended by today's final rule), the person in charge of the vessel or facility must immediately notify the NRC. The toll-free number of the NRC is listed below under "ADDRESSES."

EFFECTIVE DATE: December 29, 1986.

ADDRESSES: The toll-free telephone number of the National Response Center is 1-800/424-8802; in the Washington, DC metropolitan area, the number is 1-202/426-2675.

Docket

Copies of materials relevant to this rulemaking are contained in Room LG at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The docket is available for inspection between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Dr. K. Jack Kooyoomjian, Senior Project Officer, Response Standards and Criteria Branch, Emergency Response Division (WH-548B), U. S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or the RCRA/Superfund Hotline at 1-800/424-9346, in Washington, DC, at 1-202/382-3000.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

- I. Introduction
 - A. Statutory Authority
 - B. Background of This Rulemaking
- II. Key Issues Not Addressed in This Rule
 - A. Continuous Releases
 - B. Federally Permitted Releases
 - C. Radionuclide RQs
 - D. Potential Carcinogen RQs
- III. Reportable Quantity Adjustments
 - A. Introduction
 - B. Summary of the Methodology Underlying the Reportable Quantity Adjustments
 - C. Substances for Which RQs Are Adjusted
 - D. ICR Substances
- IV. Reportable Quantity Adjustments Under Section 311 of the Clean Water Act
- V. Summary of Supporting Analyses

I. Introduction

A. Statutory Authority

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Pub. L. 96-510), 42 U.S.C. 9601 et seq. ("Superfund," "CERCLA," or "the Act"), enacted on December 11, 1980, establishes broad federal authority to deal with releases or threats of releases of hazardous substances from vessels and facilities. The Act defines a

set of "hazardous substances" chiefly by reference to other environmental statutes (see section 101(14)); currently, there are 717 CERCLA hazardous substances. The Administrator of the U.S. Environmental Protection Agency ("EPA") may designate additional hazardous substances pursuant to section 102 of CERCLA.

The Act requires that the person in charge of a vessel or facility immediately notify the National Response Center ("NRC") as soon as that person has knowledge of a release of a hazardous substance in an amount equal to or greater than the reportable quantity ("RQ") for that substance (sections 103 (a) and (b)).² In certain limited situations, when direct reporting to the NRC is not practicable, the releaser may report to the nearest Coast Guard- or EPA-predesignated On-Scene Coordinator ("OSC"). If it is not possible to notify the NRC or predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the releaser notifies the NRC as soon as possible (40 CFR 300.63(b)). Section 102(b) of CERCLA establishes RQs for releases of designated hazardous substances at one pound, unless other reportable quantities were assigned under section 311 of the Clean Water Act ("CWA"). Section 102(a) authorizes EPA to adjust all of these reportable quantities by regulation.

A major purpose of the section 103(a) and (b) notification requirements is to alert the appropriate government officials to releases of hazardous substances that may require a federal response action to protect public health and welfare and the environment. Under CERCLA section 104, the federal government may respond whenever there is a release or a substantial threat of a release into the environment of a hazardous substance. Response activities are to be taken, to the extent practicable, in accordance with the National Contingency Plan (40 CFR Part 300), which was originally developed under the CWA, and which has been revised pursuant to section 105 to reflect the responsibilities and authority created by CERCLA. EPA emphasizes that a hazardous substance release notification is merely a trigger for informing the government of a release so

² A release into the environment of a substance which is not listed as a CERCLA hazardous substance but which rapidly forms a CERCLA hazardous substance upon release, is subject to the notification requirements of section 103. If the amount of the hazardous substance formed as such a reaction product equals or exceeds the RQ for that substance, the release must be reported to the NRC.

that the need for a federal removal or remedial action can be evaluated by the appropriate federal personnel and any necessary action undertaken in a timely fashion. Federal personnel will evaluate all reported releases, but will not necessarily initiate a removal or remedial action in response to all reported releases, because the release of a reportable quantity of a hazardous substance will not necessarily pose a hazard to public health or welfare or the environment.

Section 103(b) authorizes penalties, including criminal sanctions, for persons in charge of vessels or facilities who fail to report releases of hazardous substances which equal or exceed reportable quantities. Any person in charge of a vessel or facility who, as soon as that person has knowledge of a reportable release, fails to report the release pursuant to section 103(a) or (b) shall, upon conviction, be fined no more than \$10,000 or imprisoned for not more than one year, or both. Notifications received under section 103(a) or information obtained by such notice cannot be used against any reporting person in any criminal case, except a prosecution for perjury or for giving a false statement.

B. Background of this Rulemaking

On May 25, 1983, EPA proposed a rule (48 FR 23552) to clarify procedures for reporting releases of CERCLA hazardous substances and to adjust reportable quantities for 387 of the then 696 CERCLA hazardous substances.³ The May 25, 1983 NPRM also listed, for the first time, the "hazardous substances" identified under section 101(14) of CERCLA. In the NPRM, EPA discussed in detail the CERCLA notification provisions (including the persons required to notify the NRC of a release, the hazardous substances for which notification is required, the types

of releases subject to the notification requirements, and the exemptions from these requirements), the methodology and criteria used to adjust the RQ levels, and the RQ adjustments proposed under section 102 of CERCLA and under section 311 of the CWA. On April 4, 1985, EPA promulgated a final rule (50 FR 13456), that clarified reporting procedures and finalized RQ adjustments for 340 hazardous substances, including 21 waste streams.

The April 4, 1985 Federal Register also contained an NPRM proposing RQ adjustments for 105 additional CERCLA hazardous substances, including seven waste streams (50 FR 13514). In addition, the April 4, 1985 NPRM clarified reporting requirements for substances exhibiting the RCRA characteristics of ignitability, corrosivity, and reactivity ("ICR") (40 CFR 261.21-261.23).⁴ The adjusted RQ for ICR substances, discussed below in Section III.D., becomes effective with today's rule. In preparing today's final rule, the Agency has considered carefully the comments received in response to the April 4, 1985 NPRM.

In finalizing these RQ adjustments, today's rule amends Table 302.4 of 40 CFR 302.4 and, consistent with 40 CFR 117.3, applies not only to CERCLA RQs, but also to the RQs established for hazardous substances under section 311(b)(4) of the CWA. Both Table 302.4 and Table 117.3 are revised and published as a part of this rule. Section II of this preamble discusses key issues relating to RQ adjustments and CERCLA notification requirements that are not resolved in today's final rule. Section III discusses the RQ adjustments and the methodology used in making these adjustments. Section IV addresses RQ adjustments under section 311 of the Clean Water Act. Section V provides a summary of the analyses supporting this rule.

It is important to note that other provisions of CERCLA may apply even where the statute does not require notification. Therefore, nothing in this rulemaking should be interpreted as reflecting Agency policy or the applicable law with respect to other provisions of the Act. For example, a party responsible for a release (except federally permitted releases and specifically exempted substances or entities), is liable for the costs of cleaning up that release and for any natural resource damages caused by the

release, even if the release is not subject to the notification requirements of sections 103 (a) and (b). Similarly, proper reporting of a release in accordance with sections 103 (a) and (b) does not preclude liability for cleanup costs. The fact that a release of a hazardous substance is properly reported or that it is not subject to the notification requirements of sections 103(a) and (b) will not prevent EPA or other government agencies from taking response actions under section 104, seeking reimbursement from responsible parties under section 107, or pursuing an enforcement action against responsible parties under section 106. Note also that this rule does not affect hazardous substance reporting requirements imposed by other regulations and statutes (except the CWA—see Section IV below).

Neither today's final rule nor the April 4, 1985 final rule addresses the designation of hazardous substances which are not designated under the statutes listed in CERCLA section 101(14). The Agency has conducted several preliminary economic and technical analyses on this subject (see 48 FR 23603), and in an Advance Notice of Proposed Rulemaking (ANPRM), also published on May 25, 1983, invited public comment. EPA has carefully reviewed the comments received. The Agency's designation policy may be the subject of a future rulemaking.

II. Key Issues Not Addressed in this Rule

A. Continuous Releases

Under sections 103 (a) and (b) of CERCLA, no distinction is made between episodic and continuous releases. Section 103(f)(2), however, provides reduced reporting requirements for certain "continuous" releases. Releases may be reported less frequently than under sections 103 (a) and (b) if they are "continuous," "stable in quantity and rate," and notification has been given under sections 103 (a) and (b) "for a period sufficient to establish the continuity, quantity, and regularity" of the release. Notification must still be given "annually, or at such time as there is any statistically significant increase" in the quantity of the hazardous substance being released. Thus, instead of reporting every release as it occurs, certain continuous releases may be reported less often.

In the May 25, 1983 proposal, EPA noted that enforcement efforts would be focused on episodic rather than continuous releases. The Agency presented alternative interpretations of

³ Since the May 25, 1983 NPRM, 21 additional hazardous substances have been identified pursuant to listings under RCRA and the CAA: Waste stream F024 under section 3001 of the Resource Conservation and Recovery Act (RCRA) (49 FR 5308); coke oven emissions under section 112 of the Clean Air Act (CAA) (49 FR 36560); waste streams F020, F021, F022, F023, F026, F027, and F028 under section 3001 of RCRA (50 FR 1978); waste streams K111, K112, K113, K114, K115, and K116 under section 3001 of RCRA (50 FR 42936); o-toluidine and p-toluidine under section 3001 of RCRA (50 FR 42936); waste streams K117, K118, and K136 under section 3001 of RCRA (51 FR 5327); and 2-ethoxyethanol under section 3001 of RCRA (51 FR 6537). None of the above-listed substances, with the exception of two (waste stream F024 and coke oven emissions), have been previously listed in Table 302.4. These 19 substances are therefore listed in the table in today's rule. The RQs for these substances, however, are not adjusted by today's rule and will retain their statutory one-pound RQs until adjusted in future rulemakings.

⁴ Substances exhibiting the characteristic of extraction procedure (EP) toxicity were not at issue because the chemicals for which the EP toxicity test is designed are all assigned specific RQs under 40 CFR 302.4.

which releases could be included within the continuous release definition, and discussed a possible notification scheme for releases determined to be within the definition.

The Agency received more than 40 comments in response to the discussion of continuous releases in the May 25, 1983 NPRM. EPA is in the process of developing continuous release reporting regulations to clarify this reduced reporting requirement.

Although the continuous release reporting issue was not within the scope of the April 4, 1985 NPRM, the Agency received one additional comment on this issue. The commenter argued that because the scope of the definition for continuous releases relates directly to whether certain RQs are appropriate, the comment period for RQ adjustments in the April 4, 1985 NPRM should be reopened when the continuous release reporting issue is finally resolved. EPA has rejected this argument, however, because the Agency considers the issues of appropriate RQ levels and the scope of the reduced reporting requirement for continuous releases to be unrelated. Whether a given release qualifies as "continuous" has no bearing on the appropriate RQ for a hazardous substance determined according to a specific set of scientific criteria.

B. Federally Permitted Releases

One of the exemptions from section 103(a) reporting requirements is for "federally permitted releases." The definition of "federally permitted release" in CERCLA section 101(10) specifically identifies releases permitted under certain other state or federal programs.

In the May 25, 1983 NPRM, EPA explained its interpretation of each type of release exempted by the definition of "federally permitted release." The Agency received many comments on the scope of the federally permitted release exemption, most of which urged a broad interpretation of one or more of the federally permitted releases. Due to the complexity of the issues involved, the Agency decided to examine further the scope of the federally permitted release exemption.

Although the April 4, 1985 NPRM did not address the issue of federally permitted releases, we received a comment on this issue which was analogous to the comment received on continuous releases. The commenter argued that the comment period for RQ adjustments proposed in the April 4, 1985 NPRM should be reopened when the issue of federally permitted releases is finally resolved. The Agency has rejected this argument for the same

reason it rejected the commenter's argument as it applied to continuous releases. Whether the release of a hazardous substance that exceeds an RQ will, under certain prescribed circumstances, be exempt from reporting requirements because it is "federally permitted," has no bearing on the objective determination of the appropriate RQ level for the substance.

The Agency is evaluating the federally permitted release definition and intends to address the issue in a future rulemaking.

C. Radionuclide RQs

Radionuclides are hazardous substances under CERCLA because they are designated as a hazardous air pollutant under section 112 of the CAA. The preambles to the May 25, 1983 NPRM and the April 4, 1985 final rule recognize that the statutory RQ of one pound may not be appropriate for radionuclides. Radionuclides are also not addressed in today's final rule. The Agency will address the comments received in response to the earlier rulemaking efforts, as well as other radionuclide RQ issues, in a future rulemaking when our analysis, now ongoing, is completed.

D. Potential Carcinogen RQs

As discussed in Section III below, today's final rule proposes no RQ adjustments for substances with one-pound statutory RQs which will be ranked for the primary criterion of potential carcinogenicity. The ranking methodology for such substances will be discussed in detail in an upcoming NPRM in which the Agency will propose to adjust RQs for potentially carcinogenic substances.

III. Reportable Quantity Adjustments

A. Introduction

Until adjusted by regulation under section 102(a), CERCLA section 102(b) establishes a reportable quantity of one pound for hazardous substances other than those hazardous substances with RQs established under section 311 of the Clean Water Act (CWA); for these latter substances, section 102(b) adopts the established CWA RQs. This rulemaking adjusts the statutory RQs based upon specific scientific and technical criteria that relate to the possibility of harm from the release of a hazardous substance in a reportable quantity. These RQ adjustments, therefore, enable the Agency to focus its resources on those releases which are most likely to pose potential threats to public health and welfare and the environment. Such RQ adjustments will also relieve the

regulated community and emergency response personnel from the burden of making and responding to reports of releases which are unlikely to pose such threats.

In this rule, RQs for 102 hazardous substances are adjusted, including seven of the waste streams that were not assigned adjusted RQs in the April 4, 1985 final rule. In today's rule, EPA raises the RQs of 31 specific hazardous substances, lowers the RQs of 30 specific hazardous substances, and leaves the RQs of 34 specific hazardous substances at the levels originally established by CERCLA (or by CWA section 311). This rule also raises the RQs of the seven waste streams. In addition, today's final rule adjusts to 100 pounds the RQ for releases of RCRA unlisted solid wastes (as defined in 40 CFR 261.2), which exhibit the RCRA characteristics of ignitability, corrosivity, or reactivity but which are not "wastes" (and thus not CERCLA hazardous substances) until after they are released and are not cleaned up for repackaging, reprocessing, recycling, or reuse (see 40 CFR 302.4(b)). The remaining 275 hazardous substances not addressed by today's final rule are being evaluated for potential carcinogenicity and/or chronic toxicity. Analyses of these hazardous substances are nearly complete and adjusted RQs based on potential carcinogenicity and/or chronic toxicity will be proposed in an NPRM in the near future.

The primary purpose of notification is to ensure that releasers notify the federal government so that federal personnel can assess the need to respond to the release. The different RQ levels do not reflect a determination that a release of a CERCLA substance will be hazardous at the RQ level and not hazardous below that level. EPA has not made such a determination because the Agency has found that the actual hazard will vary with the unique circumstances of the release, and extensive scientific data and analysis would be necessary to determine the hazard presented by each substance under a number of possible circumstances. Instead, the RQs are designed to be a trigger for notification and reflect the Agency's judgment that the federal government should be notified of certain releases to which a federal response might be necessary. The reportable quantities represent a determination only of possible or potential harm, not that releases of a particular amount of a hazardous substance necessarily will be harmful to public health or welfare or the environment.

Because CERCLA's RQ adjustment methodology differs from that used pursuant to section 311 of the Clean Water Act, some of the RQs set today are not the same as those initially promulgated under the CWA. The April 4, 1985 final rule (50 FR 13456) amended 40 CFR 117.3 (see 44 FR 50776, August 29, 1979), to make RQs adjusted under CERCLA the applicable RQs for purposes of CWA section 311. Today's rule therefore adjusts not only CERCLA RQs, but, where applicable, CWA RQs as well. A person in charge need not report a single release twice in order to satisfy CERCLA and CWA reporting requirements; one report to the NRC suffices.

B. Summary of the Methodology Underlying the Reportable Quantity Adjustments

The Agency has wide discretion in adjusting the statutory RQs for hazardous substances under CERCLA.⁵ Administrative feasibility and practicality are important considerations. The Agency's selected methodology for adjusting RQs begins with an evaluation of the intrinsic physical, chemical, and toxicological properties of each designated hazardous substance. The intrinsic properties examined—called "primary criteria"—are aquatic toxicity, mammalian toxicity (oral, dermal, and inhalation), ignitability, reactivity, chronic toxicity, and potential carcinogenicity. (For the purposes of this rule, chronic toxicity—referred to as "other toxic effects" in the May 25, 1983 NPRM—is defined as toxicity resulting from repeated or continuous exposure to either a single dose or multiple doses of a hazardous substance.)

The Agency ranks each intrinsic property on a five-tier scale, associating a specific range of values on each scale with a particular RQ value. This five-tier scale uses the five RQ levels of 1, 10, 100, 1000, and 5000 pounds originally established pursuant to CWA section 311 (see 40 CFR Part 117 and 44 FR 50776). Each substance receives several tentative RQ values based on its particular properties.⁶ The lowest of all

of the tentative RQs becomes the "primary criteria RQ" for that substance.

The Agency received several comments on its general RQ adjustment methodology. One commenter supported the Agency's decision to continue to use the five-tier system for setting RQs developed under CWA section 311. Other commenters objected to EPA's use of the primary criteria of chronic toxicity and potential carcinogenicity to adjust RQs. One of these commenters suggested that the methodology used to evaluate and assign chronic toxicity rankings should employ data based on routes of exposure and pharmacokinetic parameters when converting animal doses to human doses. The current approach assumes 50 percent absorption from inhalation exposures and 100 percent absorption from oral exposures. The Agency decided to use these assumptions instead of reviewing absorption and pharmacokinetic data because the purpose of RQ adjustments is to establish levels at which the federal government should be notified of releases, not to develop lengthy and complex risk assessment scenarios. The Agency has previously considered and rejected the use of risk assessment scenarios to adjust RQs (see the April 4, 1985 final rule at 50 FR 13456).

The same commenter also requested an explanation of the Agency's decision to estimate chronic exposure by reducing subchronic effect levels by a factor of 10 or less. The Agency believes that this approach is well supported by experimental evidence which shows that the ratio of subchronic levels to levels derived after chronic exposure is 2.0 or less for more than half of the chemicals studied. Approximately 96 percent of these ratios are below a value of 10. This empirically derived relationship between chronic and subchronic effect levels indicates that it is reasonable to employ a 10-fold uncertainty factor to account for differences between subchronic and chronic effect levels. For a detailed discussion of the chronic toxicity methodology, see the Technical Background Document to Support

Rulemaking Pursuant to CERCLA Section 102, Volume 1, (Appendix B), March 1985, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Another commenter opposed adjusting RQs upwards because many of the 105 substances for which adjusted RQs were proposed in the April 4, 1985 NPRM had not been evaluated adequately for potential carcinogenic or chronically toxic effects. This commenter suggested that statutory RQs be retained until it is proven that a designated hazardous substance does not exhibit either chronic toxicity or potential carcinogenicity, as applicable. Although the Agency retains the statutory RQs if it has evidence indicating chronic toxicity or potential carcinogenicity pending more detailed analysis, the Agency does not delay RQ adjustment until it has evidence which affirmatively proves the absence of such characteristics. To attempt to affirmatively prove the absence of chronic toxicity or potential carcinogenicity, even if technically possible, would greatly strain Agency resources with little added benefit to human health and environmental protection. The data available to the Agency provide no clear evidence of chronic toxicity or potential carcinogenicity for any of the substances referred to by the commenter. However, the Agency will readjust RQs as necessary in the future to take into account new information concerning the hazard of designated substances.

For a more detailed discussion of the primary criteria, including chronic toxicity, see the preamble of the May 25, 1983 NPRM (48 FR 23562-23565), the preamble of the April 4, 1985 final rule adjusting reportable quantities (50 FR 13456, section V.D.1), and the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 1, March 1985, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

After the primary criteria RQs are assigned, substances are further evaluated for their susceptibility to certain degradative processes. These natural degradative processes are biodegradation, hydrolysis, and photolysis, or "BHP." These processes tend to reduce the relative potential for harm to public health and welfare and the environment of many hazardous substance releases. If hazardous substances have primary criteria RQs

⁵ As Senate Report No. 848, 96th Congress, Second Session (1980) notes at page 29: "In determining reportable quantities under this paragraph [section 3(a)(2) of S.1480], the President may consider any factors deemed relevant to administering the reporting requirements or the President's other responsibilities under this Act."

⁶ If available evidence shows that a hazardous substance hydrolyzes into a reaction product that is more hazardous than the original substance, the primary criteria are applied to the more hazardous product rather than to the original substance to determine the tentative RQ values for the original substance. For example, substances known to

generate hydrogen sulfide or phosphine upon hydrolysis are assigned primary criteria RQs on the basis of these degradation products. In the April 4, 1985 NPRM, the primary criteria RQs of four substances (ammonium bifluoride, lead sulfide, sodium bifluoride, and zinc phosphide) were based on the application of the primary criteria to the more hazardous reaction products rather than to the original substances. In today's final rule, lead sulfide has been removed from the group of substances whose RQs are based on application of the primary criteria to reaction products. For a discussion of the reasons the Agency removed lead sulfide from this group, see Section III. C.

already at the maximum assignable level of 5000 pounds or are found to be bioaccumulative, environmentally persistent, highly reactive (or otherwise unusually hazardous), or degradable to more hazardous products, they are not eligible for a one-level RQ increase on the basis of BHP. On the other hand, if analysis indicates that an eligible hazardous substance degrades relatively rapidly to a less harmful substance or compound through one or more of these processes when it is released into the environment, the primary criteria RQ is raised one level on the basis of BHP. The single RQ assigned to each hazardous substance on the basis of the primary criteria and BHP becomes the adjusted RQ for the substance. Under no circumstances may the RQ for a substance be raised more than one level based on BHP.

For a more detailed discussion of the BHP criteria and their use in combination with the primary criteria, see the preamble of the May 25, 1983 NPRM (48 FR 23565), the preamble of the April 4, 1985 final rule adjusting reportable quantities (50 FR 13456, sections V.C.1. and V.D.2.) and the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 1, March 1985, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

C. Substances for Which RQs Are Adjusted

This section describes the process EPA used to select the 102 substances for which today's rule adjusts RQs. As described below, these 102 substances have been assigned adjusted RQs on the basis of the five primary criteria other than potential carcinogenicity. The adjustments are as follows: 28 hazardous substances were adjusted on the basis of chronic toxicity only, 13 hazardous substances on the basis of chronic toxicity and at least one other primary criterion, and 61 hazardous substances on the basis of primary criteria other than chronic toxicity.

Prior to the May 25, 1983 NPRM, the Agency identified a number of CERCLA hazardous substances that exhibited chronic toxicity or potential carcinogenicity (or both). EPA identified the chronically toxic substances using a variety of EPA background documents, reports prepared by state agencies, and other sources. EPA identified the potential carcinogens using the Monographs of the International Agency for Research on Cancer, the First, Second, and Third Annual Reports on Carcinogens of the National Toxicology

Program, U.S. Department of Health and Human Services, final Agency determinations published in the **Federal Register** identifying a substance as a potential carcinogen, and determinations by the Agency's Office of Health and Environmental Assessment that a substance may be a potential carcinogen based on either published or unpublished data. Lists of these substances were submitted to EPA's Environmental Criteria and Assessment Office (ECAO) for further chronic toxicity analysis and to EPA's Carcinogen Assessment Group (CAG) for further carcinogenicity analysis.

For further information concerning the selection of hazardous substances for ECAO and CAG review, see the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 1, March 1985, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Of the 102 hazardous substances whose RQs are adjusted by today's rule, 95 were evaluated for chronic toxicity by ECAO. In addition, the Agency initially identified twelve of the 102 hazardous substances for evaluation as potential carcinogens.⁷ CAG's subsequent evaluation of these twelve hazardous substances found no substantive evidence that any of the twelve are potential carcinogens. Therefore, the RQs of these twelve substances have been adjusted using available data on the other five primary criteria. Of the 105 hazardous substances for which adjusted RQs were proposed in the April 4, 1985 NPRM, the Agency subsequently identified twelve additional hazardous substances which may be potential carcinogens.⁸ Seven of these substances (lead chloride, lead nitrate, tetraethyl lead, cresols, 1,3-dichloropropene, dichloropropane-dichloropropene (mixture), and captan) currently have statutory RQs established under the CWA which will be adjusted downwards or remain the same as a result of today's rule. The RQs for another two of these twelve substances, waste stream K052 and

waste stream F004, are based on their respective constituents, tetraethyl lead and cresols. The RQs for waste stream K052 and waste stream F004 will be adjusted today to correspond to the RQs for tetraethyl lead and cresols, respectively. The one-pound statutory RQs for the three remaining substances—lead, pentachloroethane, and methyl chloride—will be retained, pending the outcome of their evaluation for potential carcinogenicity. The Agency will evaluate lead chloride, lead nitrate, tetraethyl lead, waste stream K052, cresols, waste stream F004, 1,3-dichloropropene, dichloropropane-dichloropropene (mixture), and captan for potential carcinogenicity and, if necessary, readjust their final RQs based on potential carcinogenicity, in a future rulemaking action.

The portion of Table 302.4 printed in this rule provides a list of all CERCLA hazardous substances for which adjusted RQs are established by this rule. The table indicates both the RQ level originally established by statute and the adjusted RQ for each substance. In addition, the table includes nineteen hazardous substances not previously published in the table (see note 3 above).

Several commenters requested that the RQs of various hazardous substances be increased from the levels proposed in the April 4, 1985 NPRM. The Agency agrees with three commenters who suggested that the proposed RQ of 100 pounds for lead sulfide be raised to 5000 pounds on the grounds that lead sulfide is very insoluble and its aquatic toxicity is low. The proposed 100-pound RQ for lead sulfide was based in part on the generalization that soluble sulfides hydrolyze in water to form hydrogen sulfide whose RQ is 100 pounds. The commenters objected to the use of this methodology for setting the RQ for lead sulfide on the basis that lead sulfide is highly insoluble. The Agency agrees that lead sulfide is too insoluble to produce significant amounts of hydrogen sulfide, even in highly acidic solutions. Accordingly, the RQ of lead sulfide in the final rule will be raised from its proposed value of 100 pounds in the April 4, 1985 NPRM to 5000 pounds, based on its aquatic toxicity, the same value it had under section 311 of the Clean Water Act.

One commenter suggested that the RQ of chloroethane be increased to 5000 pounds from the proposed level of 100 pounds because "it is the least toxic of all the chlorinated hydrocarbons." Although the quoted statement is true, the Agency proposed a 100-pound RQ for chloroethane, not because of its

⁷ The twelve substances are: acenaphthene, acenaphthylene, anthracene, benzo[ghi]perylene, delta-BHC, chromic acetate, chromic sulfate, ferric dextran, fluoranthene, fluorene, phenanthrene, and pyrene. (The Agency has proposed in an NPRM published November 8, 1985, to delist ferric dextran as a hazardous waste under RCRA and to delete it from the list of CERCLA hazardous substances under section 102(a) (see 50 FR 46468)).

⁸ These twelve substances are lead, lead chloride, lead nitrate, tetraethyl lead, waste stream K052, pentachloroethane, methyl chloride, cresols, waste stream F004, 1,3-dichloropropene, dichloropropane-dichloropropene (mixture), and captan.

toxicity, but because of its ignitability (low flash point of -58°F and low boiling point of 54°F). Therefore, the proposed RQ of 100 pounds for chloroethane will be retained in the final rule.

Other commenters also requested increases in the RQs of various hazardous substances. But as was the case with the suggested increase for chloroethane, these other increases would be inconsistent with the overall RQ adjustment methodology and characteristics of the respective substances.

One commenter recommended that the RQs of thirteen hazardous substances proposed in the April 4, 1985 NPRM be lowered on the basis of aquatic toxicity data provided by the commenter. Some of the data are based on aquatic toxicity tests that used species and test procedures which deviate from the standard species and procedures used by the Agency for RQ adjustment purposes. For the most part, the suggested RQ adjustments were based on such non-standard species and procedures and therefore are not accepted by the Agency.

For two substances (pentachlorobenzene and phorate), however, the commenter used data based on the standard 96-hour LC50 aquatic toxicity test and a standard species, the bluegill. The new aquatic toxicity data for pentachlorobenzene justify lowering the RQ of that substance from the proposed level of 1000 pounds to 10 pounds. The new aquatic toxicity data for phorate support a one-pound RQ which should be raised one RQ level to 10 pounds based on BHP. The Agency based the proposed 1000-pound RQ for phorate on mammalian toxicity data which supported a 100-pound RQ. Because phorate is hydrolyzed readily, the RQ previously was raised one level to 1000 pounds. In sum, the RQs for both pentachlorobenzene and phorate will be set at 10 pounds in today's final rule, instead of 1000 pounds, as they were in the April 4, 1985 NPRM.

Although not specifically requested by the commenter, the RQ of a third hazardous substance, waste stream K039, is also being lowered in the final rule. K039 is a filter cake resulting from the production of phorate and thus contains phorate as a constituent. Because the RQ of a waste stream is based upon the lowest RQ of any of its hazardous constituents, the appropriate RQ for K039 should also be 10 pounds in light of the new aquatic toxicity data on phorate. Accordingly, the RQ for K039 will be lowered from its 100-pound level in the April 4, 1985 NPRM to 10 pounds

to make its RQ consistent with the new RQ for its constituent, phorate.

D. ICR Substances

As was stated in the April 4, 1985 NPRM, the obligation to report releases into the environment of substances exhibiting the Resource Conservation and Recovery Act (RCRA) characteristics of ignitability, corrosivity, or reactivity (ICR) had been the subject of some confusion. Under section 103(a) of CERCLA, the person in charge of a vessel or facility must notify the NRC of the release of a "hazardous substance." The term "hazardous substance," as defined by section 101(14) of CERCLA, includes substances designated pursuant to section 102 of CERCLA as well as substances designated by other federal environmental legislation, including RCRA. CERCLA section 101(14)(C) designates as a CERCLA hazardous substance "any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of [RCRA]." The "characteristics identified" under RCRA include ignitability, corrosivity, and reactivity. Therefore, the release of a non-designated substance exhibiting an ICR characteristic is the release of a hazardous substance if the substance is a waste.⁹

The April 4, 1985 final rule established a 100-pound RQ for ICR substances which are wastes prior to release. However, due to confusion with respect to reporting requirements for ICR substances which become wastes only after release, the Agency proposed in the NPRM, published concurrently with the April 4, 1985 final rule, to apply the same RQ to the latter type of ICR substances. The reportable quantity adjustment of 100 pounds for releases of ICR substances which become wastes only after release becomes effective with today's final rule.

In the April 4, 1985 NRPM, the Agency acknowledged that CERCLA criminal penalties attach only if the person in charge knew or should have known that the released material was a hazardous substance, and recognized that transporters may not be aware that substances they are carrying exhibit ICR characteristics. Several commenters suggested that this lack of knowledge may extend to others in the industrial

chain such as manufacturers, marketers, and "other handlers" of these materials. However, regardless of the general likelihood that any class of persons may or may not have the required level of knowledge, enforcement decisions will be made on a case-by-case basis upon the facts present in a particular situation.

With respect to ICR substances which are not wastes prior to release, the April 4, 1985 NPRM makes a distinction between those substances which upon release are spilled and not cleaned up or are cleaned up only for eventual disposal, and those which are released and immediately cleaned up for repackaging, reprocessing, recycling, or reuse. Because the former substances are wastes, their release must be reported if it equals or exceeds an RQ of 100 pounds. The latter substances are not wastes and therefore their release need not be reported pursuant to CERCLA section 103. For purposes of clarification, if an ICR substance which is not a waste prior to release is released and only partially cleaned up, the release need be reported only if the amount not recovered equals or exceeds an RQ (i.e., 100 pounds). If the amount spilled and not recovered (or recovered only for eventual disposal) is less than 100 pounds, there has been no release of an RQ or more of a hazardous substance and the reporting requirements of section 103, therefore, are not triggered.

Several commenters questioned the legality and practicality of requiring reporting of non-designated ICR substances which become wastes only after their initial release. However, as stated above, CERCLA defines the term "hazardous substance" to include hazardous wastes that exhibit ICR characteristics and thus requires reporting of releases of such wastes. To the extent an ICR substance enters the environment and is not recovered for repackaging, reprocessing, recycling, or reuse, that substance becomes a waste and thus is subject to the reporting requirements of section 103. Moreover, because the environmental impact upon release of such a substance does not depend upon its status as a waste prior to release, the Agency believes that, in the interest of protecting human health and the environment, the federal government must be notified of such releases. This notification requirement is consistent with the statutory purpose of section 103(a) because it allows the pre-designated On-Scene Coordinator to evaluate the need for a federal response action to the release of a non-designated substance which, due to its ICR characteristics, may be harmful to the

⁹ Because CERCLA regulates these unlisted substances by virtue of their classification as RCRA hazardous wastes, the non-designated substance must, of course, also be a solid waste, as defined in 40 CFR 261.2 and not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), for the notification requirements based on ICR characteristics to apply. See 40 CFR 302.4(b).

environment if released in an amount equal to or greater than the 100-pound RQ.

One commenter objected to a 100-pound RQ for non-designated ICR substances which only become wastes after their initial release. The commenter believed that a 100-pound RQ for such substances is unnecessarily stringent and suggested instead a 1000-pound RQ. EPA proposed a 100-pound RQ for these non-designated substances because substances which are wastes prior to their initial release and exhibit ICR characteristics have an RQ of 100 pounds. An RQ of 100 pounds was originally proposed for the latter group of substances in the May 25, 1983 NPRM (48 FR 23552). The Agency's rationale for this RQ was that since the constituents of unlisted wastes generally are unknown, it is very difficult to apply the RQ adjustment criteria to such wastes. It is reasonable to assume that, on the average, these wastes will fall within the middle of the five RQ levels (i.e., 100 pounds). The same rationale is equally applicable to ICR substances that become wastes after release. Because the environmental impact of a release of a substance exhibiting an ICR characteristic does not depend on whether that substance was a waste prior to its initial release, the RQ for either type of ICR waste should logically be the same. In addition, the Agency believes that setting the same RQ for both types of releases will ease the reporting burden on the regulated community. For these reasons, EPA will retain a 100-pound RQ for non-designated ICR substances which are not wastes prior to their initial release.

Another commenter believed that adopting an RQ for non-designated ICR substances that do not become wastes until after their release would result in unnecessary reporting of releases associated with bulk liquid tank venting. The Agency notes that, as a general rule, releases from tank venting are in the form of uncontained gases. However, because uncontained gases are not RCRA solid wastes, they are not unlisted hazardous substances under 40 CFR 302.4(b). Therefore, emissions of gases that are not wastes prior to their release and that are associated with bulk liquid tank venting are not subject to the 100-pound RQ for non-designated ICR substances. The release of a listed hazardous substance under 40 CFR 302.4(b), however, is subject to notification requirements regardless of the form of the released substance.

IV. Reportable Quantity Adjustments Under Section 311 of the Clean Water Act

The April 4, 1985 final rule (50 FR 13456) amended 40 CFR 117.3 to make reportable quantities adjusted under CERCLA the applicable reportable quantities for notification of discharges of hazardous substances pursuant to Clean Water Act section 311. Thus, the RQ adjustments in this rule apply to both CERCLA and CWA section 311 RQs. Although the April 4, 1985 final rule amended 40 CFR 117.3, Table 117.3, containing adjusted RQs for CWA section 311 substances, was not published at that time. To eliminate discrepancies in adjusted RQs as listed in Table 302.4 (CERCLA) and Table 117.3 (CWA), Table 117.3 is published in today's rule. Reportable quantities under both CERCLA and the CWA are set forth in Table 302.4. Where there is a release of a hazardous substance in a reportable quantity into navigable waters, a single report to the National Response Center by the person in charge will satisfy the notification requirements of both statutes. The one commenter who addressed this issue favored equalizing RQs under CERCLA and CWA. For further discussion of the relationship between CERCLA RQs and CWA section 311 RQs, see the May 25, 1983 NPRM preamble at 48 FR 23569 and the April 4, 1985 final rule preamble at 50 FR 13456.

V. Summary of Supporting Analyses

Executive Order 12291 requires that regulations be classified as major or non-major for purposes of review by the Office of Management and Budget (OMB). According to E.O. 12291, major rules are regulations that are likely to result in:

- (1) An annual effect on the economy of \$100 million or more; or
- (2) A major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

An economic analysis performed by the Agency, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, shows that today's final rule is non-major, because the rule will result in savings of approximately \$1 million annually. Of this amount, about \$200,000 annually will be saved by the regulated

community (the remainder to be saved by government).

The Regulatory Flexibility Act of 1980 requires that a Regulatory Flexibility Analysis be performed for all rules that are likely to have a "significant impact on a substantial number of small entities." This rule adjusts RQs for substances that have a substantially lower total production volume than the substances that received adjusted RQs in the April 4, 1985 final rule. EPA's analysis estimates that the economic effects of both the April 4, 1985 final rule and today's final rule are directly proportional to total production volume. Thus, the impact of today's rule on small entities will be substantially less than the impact of the April 4, 1985 final rule. The analysis of the April 4, 1985 final rule demonstrated that the rule would not have a significant impact on small entities. See the Regulatory Impact Analysis of Reportable Quantity Adjustments Under Sections 102 and 103 of CERCLA, available for inspection at Room LG, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Therefore, as with the April 4, 1985 final rule, EPA certifies that no Regulatory Flexibility Analysis is necessary for today's rule.

The Information Impact Analysis performed for the April 4, 1985 final rule indicated that that final rule would decrease the paperwork burden imposed on parties other than EPA by about 50,000 hours. Today's RQ adjustments will provide a small additional reduction in the paperwork burden imposed on the regulated community for information collection associated with reporting releases. Because the effect of this rule on the paperwork burden is not only minimal, but also a reduction, EPA has determined that no further Information Impact Analysis need be performed for this final rule.

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. section 3501 et seq., and has assigned OMB control number 2050-0046.

List of Subjects

40 CFR Part 302

Air pollution control, Chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Nuclear materials, Pesticides and pests, Radioactive materials, Reporting and recordkeeping requirements, Superfund, Waste

treatment and disposal, Water pollution control.

40 CFR Part 117

Hazardous substances, Penalties, Reporting and recordkeeping requirements, Water pollution control.

Dated: August 20, 1986.

Lee M. Thomas,
Administrator.

40 CFR Part 302 is amended as follows:

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

1. The authority citation for Part 302 continues to read as follows:

Authority: Sec. 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9602; secs. 311 and 501(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1321 and 1361.

2. Section 302.4 is amended by revising Table 302.4 to read as follows:

§ 302.4 Designation of hazardous substances.

* * * * *

Table 302.4—List of Hazardous Substances and Reportable Quantities

Note—The numbers under the column headed "CASRN" are the Chemical Abstracts Service Registry Numbers for each hazardous substance. Other names by which each hazardous substance is identified in other statutes and their implementing regulations are provided in the "Regulatory Synonyms" column.

The "Statutory RQ" column lists the RQs for hazardous substances established by section 102 of CERCLA. The "Statutory Code" column indicates the statutory source for designating each substance as a CERCLA hazardous substance: "1" indicates that the statutory source is section 311(b)(4) of the Clean Water Act, "2" indicates that the source is section 307(a) of the Clean Water Act, "3" indicates that the source is section 112 of the Clean Air Act, and "4" indicates that the source is RCRA section 3001. The "RCRA Waste Number" column provides the waste identification numbers assigned to various substances by RCRA regulations. The column headed "Category" lists the code letters "X", "A", "B", "C", and "D", which are associated with reportable quantities of 1, 10, 100, 1000, and 5000 pounds, respectively. The "Pounds (kg)" column provides the reportable quantity for each hazardous substance in pounds and kilograms.

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Category	Pounds(Kg)
Acenaphthene.....	83329		1*	2		B	100 (45.4)
Acenaphthylene.....	208968		1*	2		D	5000 (2270)
Acetic acid, thallium(I) salt.....	563688	Thallium(I) acetate.....	1*	4	U214	B	100 (45.4)
2-Amino-1-methyl benzene.....	95534	o-Toluidine.....	1*	4	U328	X	1# (0.454)
4-Amino-1-methyl benzene.....	106490	p-Toluidine.....	1*	4	U353	X	1# (0.454)
Ammonia.....	7664417		100	1		B	100 (45.4)
Ammonium bifluoride.....	1341497		5000	1		B	100 (45.4)
Anthracene.....	120127		1*	2		D	5000 (2270)
Antimony ††.....	7440360		1*	2		D	5000 (2270)
Benzene, hydroxy.....	108952	Phenol.....	1000	1,2,4	U188	C	1000 (454)
Benzene, pentachloro.....	608935	Pentachlorobenzene.....	1*	4	U183	A	10 (4.54)
Benzene, 1,3,5-trinitro.....	99354	sym-Trinitrobenzene.....	1*	4	U234	A	10 (4.54)
Benzo[k]fluorene.....	206440	Fluoranthene.....	1*	2,4	U120	B	100 (45.4)
Benzo[ghi]perylene.....	191242		1*	2		D	5000 (2270)
p-Benzoquinone.....	106514	1,4-Cyclohexadienedione.....	1*	4	U197	A	10 (4.54)
delta - BHC.....	319868		1*	2		X	1 (0.454)
Captan.....	133062		10	1		A	10# (4.54)
Carbamidoselenoic acid.....	630104	Selenourea.....	1*	4	P103	C	1000 (454)
Carbon bisulfide.....	75150	Carbon disulfide.....	5000	1,4	P022	B	100 (45.4)
Carbon disulfide.....	75150	Carbon bisulfide.....	5000	1,4	P022	B	100 (45.4)
Carbonic acid, dithallium(I) salt.....	6533739	Thallium(I) carbonate.....	1*	4	U215	B	100 (45.4)
Chloroethane.....	75003		1*	2		B	100 (45.4)
Chromic acetate.....	1066304		1000	1		C	1000 (454)
Chromic sulfate.....	10101538		1000	1		C	1000 (454)
Chromous chloride.....	10049055		1000	1		C	1000 (454)
Copper ††.....	7440508		1*	2		D	5000 (2270)
Cresol(s).....	1319773	Cresylic acid.....	1000	1,4	U052	C	1000# (454)
m-.....	108394						
o-.....	95487						

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Category	Pounds(Kg)
p-.....	106445						
Cresylic acid.....	1319773	Cresol(s).....	1000	1,4	U052	C	1000 # (454)
m-.....	106394						
o-.....	95487						
p-.....	106445						
Cupric chloride.....	7447394		10	1		A	10 (4.54)
Cupric sulfate.....	7758987		10	1		A	10 (4.54)
Cupric tartrate.....	815827		100	1		B	100 (45.4)
1,4-Cyclohexadienedione.....	106514	p-Benzoquinone.....	1*	4	U197	A	10 (4.54)
Dichloropropane - Dichloropropene (mixture).....	8003198		5000	1		B	100 # (45.4)
Dichloropropene(s).....	26952238		5000	1		B	100 (45.4)
2,3-Dichloropropene (isomer).....	78886						
1,3-Dichloropropene.....	542756	Propene, 1,3-dichloro.....	5000	1,2,4	U084	B	100 # (45.4)
Diethylamine.....	109897		1000	1		B	100 (45.4)
Dimethylamine.....	124403	Methanamine, N-methyl.....	1000	1,4	U092	C	1000 (454)
O,O-Dimethyl O-p-nitrophenyl phosphorothioate.....	298000	Methyl parathion.....	100	1,4	P071	B	100 (45.4)
Ethane, pentachloro.....	76017	Pentachloroethane.....	1*	4	U184	X	1 # (0.454)
Ethion.....	563122		10	1		A	10 (4.54)
2-Ethoxyethanol.....	110805	Ethylene glycol monoethyl ether.....	1*	4	U359	X	1 # (0.454)
Ethylene glycol monoethyl ether.....	110805	2-Ethoxyethanol.....	1*	4	U359	X	1 # (0.454)
Ferric dextran ***.....	9004664	Iron dextran ***.....	1*	4	U139	D	5000 (2270)
Fluoranthene.....	206440	Benzo[<i>k</i>]fluorene.....	1*	2,4	U120	B	100 (45.4)
Fluorene.....	86737		1*	2		D	5000 (2270)
Fulminic acid, mercury(II) salt.....	628864	Mercury fulminate.....	1*	4	P065	A	10 (4.54)
Hexachlorophene.....	70304	2,2'-Methylenebis(3,4,6-trichlorophenol).....	1*	4	U132	B	100 (45.4)
Hydrogen sulfide.....	7783064	Hydrosulfuric acid Sulfur hydride.....	100	1,4	U135	B	100 (45.4)
Hydrosulfuric acid.....	7783064	Hydrogen sulfide..... Sulfur hydride.....	100	1,4	U135	B	100 (45.4)
Iron dextran ***.....	9004664	Ferric dextran ***.....	1*	4	U139	D	5000 (2270)
Isoprene.....	78795		1000	1		B	100 (45.4)
Lead ††.....	7439921		1*	2		X	1 # (0.454)
Lead chloride.....	7758954		5000	1		B	100 # (45.4)
Lead fluoborate.....	13814965		5000	1		B	100 (45.4)
Lead fluoride.....	7783462		1000	1		B	100 (45.4)
Lead iodide.....	10101630		5000	1		B	100 (45.4)
Lead nitrate.....	10099748		5000	1		B	100 # (45.4)
Lead stearate.....	7428480 1072351 52652592 56189094		5000	1		D	5000 (2270)
Lead sulfate.....	15739807		5000	1		B	100 (45.4)
Lead sulfide.....	7446142 1314870		5000	1		D	5000 (2270)
Lead thiocyanate.....	592870		5000	1		B	100 (45.4)
Mercuric nitrate.....	10045940		10	1		A	10 (4.54)
Mercuric sulfate.....	7783359		10	1		A	10 (4.54)
Mercuric thiocyanate.....	592858		10	1		A	10 (4.54)

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Catego-ry	Pounds(Kg)
Mercurous nitrate.....	10415755		10	1		A	10 (4.54)
Mercury fulminate.....	628864	Fulminic acid, mercury(II) salt.....	1*	4	P065	A	10 (4.54)
Mercury, (acetato-O)phenyl.....	62384	Phenylmercuric acetate.....	1*	4	P092	B	100 (45.4)
Methanamine, N-methyl.....	124403	Dimethylamine.....	1000	1,4	U092	C	1000 (454)
Methane, chloro.....	74873	Methyl chloride.....	1*	2,4	U045	X	1# (0.454)
Methyl chloride.....	74873	Methane, chloro.....	1*	2,4	U045	X	1# (0.454)
Methyl parathion.....	298000	O,O-Dimethyl O-p-nitrophenyl phosphorothioate.....	100	1,4	P071	B	100 (45.4)
2,2'-Methylenebis(3,4,6-trichlorophenol).....	70304	Hexachlorophene.....	1*	4	U132	B	100 (45.4)
Monoethylamine.....	75047		1000	1		B	100 (45.4)
Pentachlorobenzene.....	608935	Benzene, pentachloro.....	1*	4	U183	A	10 (4.54)
Pentachloroethane.....	76017	Ethane, pentachloro.....	1*	4	U184	X	1# (0.454)
Phenanthrene.....	85018		1*	2		D	5000 (2270)
Phenol.....	108952	Benzene, hydroxy.....	1000	1,2,4	U188	C	1000 (454)
Phenylmercuric acetate.....	62384	Mercury, (acetato-O)phenyl.....	1*	4	P092	B	100 (45.4)
Phorate.....	298022	Phosphorodithioic acid, O,O-diethyl S-(ethylthio) methyl ester.....	1*	4	P094	A	10 (4.54)
Phosphorodithioic acid, O,O-diethyl S-(ethylthio) methyl ester.....	298022	Phorate.....	1*	4	P094	A	10 (4.54)
Plumbane, tetraethyl.....	78002	Tetraethyl lead.....	100	1,4	P110	A	10# (4.54)
Propene, 1,3-dichloro.....	542756	1,3-Dichloropropene.....	5000	1,2,4	U084	B	100# (45.4)
Pyrene.....	129000		1*	2		D	5000 (2270)
Pyridine.....	110861		1*	4	U196	C	1000 (454)
Pyrophosphoric acid, tetraethyl ester.....	107493	Tetraethyl pyrophosphate.....	100	1,4	P111	A	10 (4.54)
Selenious acid.....	7783008		1*	4	U204	A	10 (4.54)
Selenium II.....	7782492		1*	2		B	100 (45.4)
Selenium dioxide.....	7446084	Selenium oxide.....	1000	1,4	U204	A	10 (4.54)
Selenium oxide.....	7446084	Selenium dioxide.....	1000	1,4	U204	A	10 (4.54)
Selenourea.....	630104	Carbamimidoseleonic acid.....	1*	4	P103	C	1000 (454)
Sodium bifluoride.....	1333831		5000	1		B	100 (45.4)
Sodium nitrite.....	7632000		100	1		B	100 (45.4)
Sodium selenite.....	10102188		1000	1		B	100 (45.4)
Sulfur hydride.....	7783064	Hydrogen sulfide Hydrosulfuric acid.....	100	1,4	U135	B	100 (45.4)
Sulfuric acid, thallium(I) salt.....	7446186 10031591	Thallium(I) sulfate.....	1000	1,4	P115	B	100 (45.4)
Tetraethyl lead.....	78002	Plumbane, tetraethyl.....	100	1,4	P110	A	10# (4.54)
Tetraethyl pyrophosphate.....	107493	Pyrophosphoric acid, tetraethyl ester.....	100	1,4	P111	A	10 (4.54)
Thallic oxide.....	1314325	Thallium(III) oxide.....	1*	4	P113	B	100 (45.4)
Thallium II.....	7440280		1*	2		C	1000 (454)
Thallium(I) acetate.....	563688	Acetic acid, thallium(I) salt.....	1*	4	U214	B	100 (45.4)
Thallium(I) carbonate.....	6533739	Carbonic acid, dithallium(I) salt.....	1*	4	U215	B	100 (45.4)
Thallium(I) chloride.....	7791120		1*	4	U216	B	100 (45.4)
Thallium(I) nitrate.....	10102451		1*	4	U217	B	100 (45.4)
Thallium(III) oxide.....	1314325	Thallic oxide.....	1*	4	P113	B	100 (45.4)
Thallium(I) selenide.....	12039520		1*	4	P114	C	1000 (454)

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Catego-ry	Pounds(Kg)
Thallium(I) sulfate	7446186 10031591	Sulfuric acid, thallium(I) salt	1000	1,4	P115	B	100 (45.4)
o-Toluidine	95534	2-Amino-1-methyl benzene	1*	4	U328	X	1# (0.454)
p-Toluidine	106490	4-Amino-1-methyl benzene	1*	4	U353	X	1# (0.454)
Trichlorfon	52686		1000	1		B	100 (45.4)
Trimethylamine	75503		1000	1		B	100 (45.4)
sym-Trinitrobenzene	99354	Benzene, 1,3,5-trinitro	1*	4	U234	A	10 (4.54)
Unlisted Hazardous Wastes Characteristic of EP Toxicity..	N.A.						
Selenium D010	N.A.		1*	4	D010	A	10 (4.54)
Uranyl acetate ****	541093		5000	1		B	100 (45.4)
Uranyl nitrate ****	10102064		5000	1		B	100 (45.4)
Vanadium(V) oxide	1314621	Vanadium pentoxide	1000	1,4	P120	C	1000 (454)
Vanadium pentoxide	1314621	Vanadium(V) oxide	1000	1,4	P120	C	1000 (454)
Vanadyl sulfate	27774136		1000	1		C	1000 (454)
Zinc ††	7440666		1*	2		C	1000 (454)
Zinc acetate	557346		1000	1		C	1000 (454)
Zinc ammonium chloride	52628258		5000	1		C	1000 (454)
Zinc borate	1332076		1000	1		C	1000 (454)
Zinc bromide	7699458		5000	1		C	1000 (454)
Zinc carbonate	3486359		1000	1		C	1000 (454)
Zinc chloride	7646857		5000	1		C	1000 (454)
Zinc cyanide	557211		10	1,4	P121	A	10 (4.54)
Zinc fluoride	7783495		1000	1		C	1000 (454)
Zinc formate	557415		1000	1		C	1000 (454)
Zinc hydrosulfite	7779864		1000	1		C	1000 (454)
Zinc nitrate	7779886		5000	1		C	1000 (454)
Zinc phenolsulfonate	127822		5000	1		D	5000 (2270)
Zinc phosphide	1314847		1000	1,4	P122	B	100 (45.4)
Zinc silicofluoride	16871719		5000	1		D	5000 (2270)
Zinc sulfate	7733020		1000	1		C	1000 (454)
F004			1*	4	F004	C	1000# (454)
The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) Cresols/Cresylic acid (b) Nitrobenzene							
F005			1*	4	F005	B	100 (45.4)
The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) Toluene (b) Methyl ethyl ketone (c) Carbon disulfide (d) Isobutanol (e) Pyridine							
F020			1*	4	F020	X	1# (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)							

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Cate-gory	Pounds(Kg)
F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.			1*	4	F021	X	1# (0.454)
F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.			1*	4	F022	X	1# (0.454)
F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.)			1*	4	F023	X	1# (0.454)
F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.			1*	4	F026	X	1# (0.454)
F027 Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)			1*	4	F027	X	1# (0.454)
F028 Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.			1*	4	F028	X	1# (0.454)
K026 Stripping still tails from the production of methyl ethyl pyridines			1*	4	K026	C	1000 (454)
K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate			1*	4	K039	A	10 (4.54)
K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds			1*	4	K046	B	100 (45.4)
K052 Tank bottoms (lead) from the petroleum refining industry			1*	4	K052	A	10# (4.54)
K087 Decanter tank tar sludge from coking operations			1*	4	K087	B	100 (45.4)
K111 Product washwaters from the production of dinitrotoluene via nitration of toluene.			1*	4	K111	X	1# (0.454)
K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K112	X	1# (0.454)
K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K113	X	1# (0.454)

TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Catego-ry	Pounds(Kg)
K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K114	X	1# (0.454)
K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K115	X	1# (0.454)
K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.			1*	4	K116	X	1# (0.454)
K117 Wastewater from the reaction vent gas scrubber in the production of ethylene bromide via bromination of ethene.			1*	4	K117	X	1# (0.454)
K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide.			1*	4	K118	X	1# (0.454)
K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.			1*	4	K136	X	1# (0.454)

† - indicates the statutory source as defined by 1, 2, 3, or 4 below

†† - no reporting of releases of this hazardous substance is required if the diameter of the pieces of the solid metal released is equal to or exceeds 100 micrometers (0.004 inches)

1 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA Section 311(b)(4)

2 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA Section 307(a)

3 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA Section 112

4 - indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001

1* - indicates that the 1-pound RQ is a CERCLA statutory RQ

*** - Iron dextran was designated as a hazardous substance under CERCLA solely because of its listing as a hazardous waste under Section 3001 of RCRA. The Agency recently proposed to delist iron dextran under RCRA(50 FR 46468-46470, November 8, 1985). The Agency has also proposed to delist iron dextran from Table 302.4 of 40 CFR 302.4 and thereby remove its designation as a CERCLA hazardous substance.

**** - Uranyl acetate and uranyl nitrate currently are being evaluated for their radioactive properties. Their RQs may be further adjusted in a future rulemaking adjusting the RQ of radionuclides.

- indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or chronic toxicity is completed

APPENDIX A - SEQUENTIAL CAS REGISTRY
NUMBER LIST OF CERCLA HAZARDOUS
SUBSTANCES

CASRN	Hazardous Substance
52686	Trichlorfon
62384	Mercury, (acetato-O)phenyl- Phenylmercuric acetate
70304	Hexachlorophene 2,2'-Methylenebis(3,4,6-trichlorophenol)
74873	Methane, chloro- Methyl chloride
75003	Chloroethane
75047	Monoethylamine
75150	Carbon bisulfide Carbon disulfide
75503	Trimethylamine
76017	Ethane, pentachloro- Pentachloroethane
78002	Plumbane, tetraethyl- Tetraethyl lead
78795	Isoprene
78886	2,3-Dichloropropene (isomer)

APPENDIX A - SEQUENTIAL CAS REGISTRY
NUMBER LIST OF CERCLA HAZARDOUS
SUBSTANCES—Continued

CASRN	Hazardous Substance
83329	Acenaphthene
85018	Phenanthrene
86737	Fluorene
95487	o-Cresol o-Cresylic acid
95534	o-Toluidine 2-Amino-1-methyl benzene
99354	Benzene, 1,3,5-trinitro- sym-Trinitrobenzene
106445	p-Cresol p-Cresylic acid
106490	p-Toluidine 4-Amino-1-methyl benzene
106514	p-Benzquinone 1,4-Cyclohexadienedione
107493	Pyrophosphoric acid, tetraethyl ester Tetraethyl pyrophosphate
108394	m-Cresol m-Cresylic acid

APPENDIX A - SEQUENTIAL CAS REGISTRY
NUMBER LIST OF CERCLA HAZARDOUS
SUBSTANCES—Continued

CASRN	Hazardous Substance
108952	Benzene, hydroxy- Phenol
109897	Diethylamine
110805	Ethylene glycol monoethyl ether 2-Ethoxyethanol
110861	Pyridine
120127	Anthracene
124403	Dimethylamine Methanamine, N-methyl-
127822	Zinc phenolsulfonate
129000	Pyrene
133062	Captan
191242	Benzo[ghi]perylene
206440	Benzo[j,k]fluorene Fluoranthene
208968	Acenaphthylene
298000	Methyl parathion O,O-Dimethyl O-p-nitrophenyl phosphorothioate

APPENDIX A - SEQUENTIAL CAS REGISTRY
NUMBER LIST OF CERCLA HAZARDOUS
SUBSTANCES—Continued

CASRN	Hazardous Substance
298022	Phorate
	Phosphorodithioic acid, O,O-diethyl S-(ethylthio) methyl ester
319868	delta - BHC
541093	Uranyl acetate
542756	Propene, 1,3-dichloro- 1,3-Dichloropropene
557211	Zinc cyanide
557346	Zinc acetate
557415	Zinc formate
563122	Ethion
563688	Acetic acid, thallium(I) salt Thallium(I) acetate
592858	Mercuric thiocyanate
592870	Lead thiocyanate
608935	Benzene, pentachloro- Pentachlorobenzene
628864	Fulminic acid, mercury(II) salt Mercury fulminate
630104	Carbamimidoseleonic acid Selenourea
815827	Cupric tartrate
1066304	Chromic acetate
1072351	Lead stearate
1314325	Thallic oxide Thallium(III) oxide
1314621	Vanadium pentoxide Vanadium(V) oxide
1314847	Zinc phosphide
1314870	Lead sulfide
1319773	Cresol(s) Cresylic acid
1332076	Zinc borate
1333831	Sodium bifluoride
1341497	Ammonium bifluoride
3486359	Zinc carbonate
6533739	Carbonic acid, dithallium(I) salt Thallium(I) carbonate
7428480	Lead stearate
7439921	Lead
7440280	Thallium
7440360	Antimony
7440508	Copper
7440666	Zinc
7446084	Selenium dioxide Selenium oxide
7446142	Lead sulfate
7446186	Sulfuric acid, thallium(I) salt Thallium(I) sulfate

APPENDIX A - SEQUENTIAL CAS REGISTRY
NUMBER LIST OF CERCLA HAZARDOUS
SUBSTANCES—Continued

CASRN	Hazardous Substance
7447394	Cupric chloride
7632000	Sodium nitrite
7646857	Zinc chloride
7664417	Ammonia
7699458	Zinc bromide
7733020	Zinc sulfate
7758954	Lead chloride
7758987	Cupric sulfate
7779864	Zinc hydrosulfite
7779886	Zinc nitrate
7782492	Selenium
7783008	Selenious acid
7783064	Hydrogen sulfide Hydrosulfuric acid Sulfur hydride
7783359	Mercuric sulfate
7783462	Lead fluoride
7783495	Zinc fluoride
7791120	Thallium(I) chloride
8003198	Dichloropropane - Dichloropropene (mixture)
9004664	Ferric dextran Iron dextran
10031591	Sulfuric acid, thallium(I) salt Thallium(I) sulfate
10045940	Mercuric nitrate
10049055	Chromous chloride
10099748	Lead nitrate
10101538	Chromic sulfate
10101630	Lead iodide
10102064	Uranyl nitrate
10102188	Sodium selenite
10102451	Thallium(I) nitrate
10415755	Mercurous nitrate
12039520	Thallium(I) selenide
13814965	Lead fluoborate
15739807	Lead sulfate
16871719	Zinc silicofluoride
26952238	Dichloropropene(s)
27774136	Vanadyl sulfate
52628258	Zinc ammonium chloride
52652592	Lead stearate
56189094	Lead stearate

3. Section 302.5 is revised to read as follows:

§ 302.5 Determination of reportable quantities.

(a) *Listed hazardous substances.* The quantity listed in the column "Final RQ" for each substance in Table 302.4 is the reportable quantity for that substance.

(b) *Unlisted hazardous substances.* Unlisted hazardous substances designated by 40 CFR 302.4(b) have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes which exhibit extraction procedure (EP) toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Table 302.4 for the contaminant on which the characteristic of EP toxicity is based. The reportable quantity applies to the waste itself, not merely to the toxic contaminant. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed in Table 302.4 for those contaminants. If an unlisted hazardous waste exhibits the characteristic of EP toxicity and one or more of the other characteristics referenced in 40 CFR 302.4(b), the reportable quantity for that waste shall be the lowest of the applicable reportable quantities.

40 CFR Part 117 is amended as follows:

**PART 117—DETERMINATION OF
REPORTABLE QUANTITIES FOR
HAZARDOUS SUBSTANCES**

4. The authority citation for Part 117 continues to read as follows:

Authority: Secs 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and Executive Order 11735.

5. Section 117.3 is amended by revising Table 117.3 to read as follows:

§ 117.3 Determination of reportable quantities.

* * * * *

*Table 117.3—Reportable Quantities of
Hazardous Substances*

Note—The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities 1, 10, 100, 1000, and 5000 pounds, respectively.

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Acetaldehyde	C	1,000 (454)
Acetic acid	D	5,000 (2,270)
Acetic anhydride	D	5,000 (2,270)
Acetone cyanohydrin	A	10 (4.54)
Acetyl bromide	D	5,000 (2,270)
Acetyl chloride	D	5,000 (2,270)
Acrolein	X	1 (0.454)
Acrylonitrile	B	100 (45.4)
Adipic acid	D	5,000 (2,270)
Aldrin	X	1 (0.454)
Allyl alcohol	B	100 (45.4)
Allyl chloride	C	1,000 (454)
Aluminum sulfate	D	5,000 (2,270)
Ammonia	B	100 (45.4)
Ammonium acetate	D	5,000 (2,270)
Ammonium benzoate	D	5,000 (2,270)
Ammonium bicarbonate	D	5,000 (2,270)
Ammonium bichromate	C	1,000 (454)
Ammonium bifluoride	B	100 (45.4)
Ammonium bisulfite	D	5,000 (2,270)
Ammonium carbamate	D	5,000 (2,270)
Ammonium carbonate	D	5,000 (2,270)
Ammonium chloride	D	5,000 (2,270)
Ammonium chromate	C	1,000 (454)
Ammonium citrate	D	5,000 (2,270)
Ammonium fluoroborate	D	5,000 (2,270)
Ammonium fluoride	B	100 (45.4)
Ammonium hydroxide	C	1,000 (454)
Ammonium oxalate	D	5,000 (2,270)
Ammonium silicofluoride	C	1,000 (454)
Ammonium sulfate	D	5,000 (2,270)
Ammonium sulfide	B	100 (45.4)
Ammonium sulfite	D	5,000 (2,270)
Ammonium tartrate	D	5,000 (2,270)
Ammonium thiocyanate	D	5,000 (2,270)
Ammonium thiosulfate	D	5,000 (2,270)
Amyl acetate	D	5,000 (2,270)
Aniline	D	5,000 (2,270)
Antimony pentachloride	C	1,000 (454)
Antimony potassium tartrate	B	100 (45.4)
Antimony tribromide	C	1,000 (454)
Antimony trichloride	C	1,000 (454)
Antimony trifluoride	C	1,000 (454)
Antimony trioxide	C	1,000 (454)
Arsenic disulfide	D	5,000 (2,270)
Arsenic pentoxide	D	5,000 (2,270)
Arsenic trichloride	D	5,000 (2,270)
Arsenic trioxide	D	5,000 (2,270)
Arsenic trisulfide	D	5,000 (2,270)
Barium cyanide	A	10 (4.54)
Benzene	C	1,000 (454)
Benzoic acid	D	5,000 (2,270)
Benzonitrile	D	5,000 (2,270)
Benzoyl chloride	C	1,000 (454)
Benzyl chloride	B	100 (45.4)
Beryllium chloride	D	5,000 (2,270)
Beryllium fluoride	D	5,000 (2,270)
Beryllium nitrate	D	5,000 (2,270)
Butyl acetate	D	5,000 (2,270)
Butylamine	C	1,000 (454)
n-Butyl phthalate	A	10 (4.54)
Butyric acid	D	5,000 (2,270)
Cadmium acetate	B	100 (45.4)
Cadmium bromide	B	100 (45.4)
Cadmium chloride	B	100 (45.4)
Calcium arsenate	C	1,000 (454)
Calcium arsenite	C	1,000 (454)
Calcium carbide	A	10 (4.54)
Calcium chromate	C	1,000 (454)
Calcium cyanide	A	10 (4.54)
Calcium dodecylbenzenesulfonate	C	1,000 (454)
Calcium hypochlorite	A	10 (4.54)
Captan	A	10 (4.54)
Carbaryl	B	100 (45.4)
Carbaryl	A	10 (4.54)
Carbon disulfide	B	100 (45.4)
Carbon tetrachloride	D	5,000 (2,270)
Chlordane	X	1 (0.454)
Chlorine	A	10 (4.54)
Chlorobenzene	B	100 (45.4)
Chloroform	D	5,000 (2,270)
Chlorosulfonic acid	C	1,000 (454)

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES—Continued

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Chlorpyrifos	X	1 (0.454)
Chromic acetate	C	1,000 (454)
Chromic acid	C	1,000 (454)
Chromic sulfate	C	1,000 (454)
Chromous chloride	C	1,000 (454)
Cobaltous bromide	C	1,000 (454)
Cobaltous formate	C	1,000 (454)
Cobaltous sulfamate	C	1,000 (454)
Coumaphos	A	10 (4.54)
Cresol	C	1,000 (454)
Crotonaldehyde	B	100 (45.4)
Cupric acetate	B	100 (45.4)
Cupric acetarsenite	B	100 (45.4)
Cupric chloride	A	10 (4.54)
Cupric nitrate	B	100 (45.4)
Cupric oxalate	B	100 (45.4)
Cupric sulfate	A	10 (4.54)
Cupric sulfate ammoniated	B	100 (45.4)
Cupric tartrate	B	100 (45.4)
Cyanogen chloride	A	10 (4.54)
Cyclohexane	C	1,000 (454)
2,4-D Acid	B	100 (45.4)
2,4-D Esters	B	100 (45.4)
DDT	X	1 (0.454)
Diazinon	X	1 (0.454)
Dicamba	C	1,000 (454)
Dichlobenil	B	100 (45.4)
Dichlorobenzene	X	1 (0.454)
Dichloropropane	B	100 (45.4)
Dichloropropene	B	100 (45.4)
Dichloropropene Mixture	D	5,000 (2,270)
2,2-Dichloropropionic acid	D	5,000 (2,270)
Dichlorvos	A	10 (4.54)
Dieldrin	X	1 (0.454)
Diethylamine	B	100 (45.4)
Dimethylamine	C	1,000 (454)
Dinitrobenzene	B	100 (45.4)
Dinitrophenol	A	10 (4.54)
Dinitrotoluene	C	1,000 (454)
Diquat	C	1,000 (454)
Disulfoton	X	1 (0.454)
Diuron	B	100 (45.4)
Dodecylbenzenesulfonic acid	C	1,000 (454)
Endosulfan	X	1 (0.454)
Endrin	X	1 (0.454)
Epichlorohydrin	C	1,000 (454)
Ethion	A	10 (4.54)
Ethylbenzene	C	1,000 (454)
Ethylene diamine	D	5,000 (2,270)
Ethylene dibromide	C	1,000 (454)
Ethylene dichloride	D	5,000 (2,270)
EDTA	D	5,000 (2,270)
Ferric ammonium citrate	C	1,000 (454)
Ferric ammonium oxalate	C	1,000 (454)
Ferric chloride	C	1,000 (454)
Ferric fluoride	B	100 (45.4)
Ferric nitrate	C	1,000 (454)
Ferric sulfate	C	1,000 (454)
Ferrous ammonium sulfate	C	1,000 (454)
Ferrous chloride	B	100 (45.4)
Ferrous sulfate	C	1,000 (454)
Formaldehyde	C	1,000 (454)
Formic acid	D	5,000 (2,270)
Fumaric acid	D	5,000 (2,270)
Furfural	D	5,000 (2,270)
Guthion	X	1 (0.454)
Heptachlor	X	1 (0.454)
Hexachlorocyclopentadiene	X	1 (0.454)
Hydrochloric acid	D	5,000 (2,270)
Hydrofluoric acid	B	100 (45.4)
Hydrogen cyanide	A	10 (4.54)
Hydrogen sulfide	B	100 (45.4)
Isoprene	B	100 (45.4)
Isopropanolamine	C	1,000 (454)
dodecylbenzenesulfonate	C	1,000 (454)
Kelthane	A	10 (4.54)
Kepon	X	1 (0.454)
Lead acetate	D	5,000 (2,270)
Lead arsenate	D	5,000 (2,270)
Lead chloride	B	100 (45.4)
Lead fluoborate	B	100 (45.4)

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES—Continued

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Lead fluoride	B	100 (45.4)
Lead iodide	B	100 (45.4)
Lead nitrate	B	100 (45.4)
Lead stearate	D	5,000 (2,270)
Lead sulfate	B	100 (45.4)
Lead sulfide	D	5,000 (2,270)
Lead thiocyanate	B	100 (45.4)
Lindane	X	1 (0.454)
Lithium chromate	C	1,000 (454)
Malathion	B	100 (45.4)
Maleic acid	D	5,000 (2,270)
Maleic anhydride	D	5,000 (2,270)
Mercaptodimethylur	A	10 (4.54)
Mercuric cyanide	X	1 (0.454)
Mercuric nitrate	A	10 (4.54)
Mercuric sulfate	A	10 (4.54)
Mercuric thiocyanate	A	10 (4.54)
Mercurous nitrate	A	10 (4.54)
Methoxychlor	X	1 (0.454)
Methyl mercaptan	B	100 (45.4)
Methyl methacrylate	C	1,000 (454)
Methyl parathion	B	100 (45.4)
Mevinphos	A	10 (4.54)
Mexacarbamate	C	1,000 (454)
Monothylamine	B	100 (45.4)
Monomethylamine	B	100 (45.4)
Naled	A	10 (4.54)
Naphthalene	B	100 (45.4)
Naphthalenic acid	B	100 (45.4)
Nickel ammonium sulfate	D	5,000 (2,270)
Nickel chloride	D	5,000 (2,270)
Nickel hydroxide	C	1,000 (454)
Nickel nitrate	D	5,000 (2,270)
Nickel sulfate	D	5,000 (2,270)
Nitric acid	C	1,000 (454)
Nitrobenzene	C	1,000 (454)
Nitrogen dioxide	A	10 (4.54)
Nitrophenol	B	100 (45.4)
Nitrotoluene	C	1,000 (454)
Paraformaldehyde	C	1,000 (454)
Parathion	X	1 (0.454)
Pentachlorophenol	A	10 (4.54)
Phenol	C	1,000 (454)
Phosgene	A	10 (4.54)
Phosphoric acid	D	5,000 (2,270)
Phosphorus	X	1 (0.454)
Phosphorus oxychloride	C	1,000 (454)
Phosphorus pentasulfide	B	100 (45.4)
Phosphorus trichloride	C	1,000 (454)
Polychlorinated biphenyls	A	10 (4.54)
Potassium arsenate	C	1,000 (454)
Potassium arsenite	C	1,000 (454)
Potassium bichromate	C	1,000 (454)
Potassium chromate	C	1,000 (454)
Potassium cyanide	A	10 (4.54)
Potassium hydroxide	C	1,000 (454)
Potassium permanganate	B	100 (45.4)
Propargite	A	10 (4.54)
Propionic acid	D	5,000 (2,270)
Propionic anhydride	D	5,000 (2,270)
Propylene oxide	B	100 (45.4)
Pyrethrins	X	1 (0.454)
Quinoline	D	5,000 (2,270)
Resorcinol	D	5,000 (2,270)
Selenium oxide	A	10 (4.54)
Silver nitrate	X	1 (0.454)
Sodium	A	10 (4.54)
Sodium arsenate	C	1,000 (454)
Sodium arsenite	C	1,000 (454)
Sodium bichromate	C	1,000 (454)
Sodium bifluoride	B	100 (45.4)
Sodium bisulfite	D	5,000 (2,270)
Sodium chromate	C	1,000 (454)
Sodium cyanide	A	10 (4.54)
Sodium dodecylbenzenesulfonate	C	1,000 (454)
Sodium fluoride	C	1,000 (454)
Sodium hydrosulfide	D	5,000 (2,270)
Sodium hydroxide	C	1,000 (454)
Sodium hypochlorite	B	100 (45.4)
Sodium methylate	C	1,000 (454)
Sodium nitrite	B	100 (45.4)
Sodium phosphate, dibasic	D	5,000 (2,270)

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES—Continued

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Sodium phosphate, tribasic.....	D	5,000 (2,270)
Sodium selenite.....	B	100 (45.4)
Strontium chromate.....	C	1,000 (454)
Strychnine.....	A	10 (4.54)
Styrene.....	C	1,000 (454)
Sulfuric acid.....	C	1,000 (454)
Sulfur monochloride.....	C	1,000 (454)
2,4,5-T acid.....	C	1,000 (454)
2,4,5-T amines.....	D	5,000 (2,270)
2,4,5-T esters.....	C	1,000 (454)
2,4,5-T salts.....	C	1,000 (454)
TDE.....	X	1 (0.454)
2,4,5-TP acid.....	B	100 (45.4)
2,4,5-TP acid esters.....	B	100 (45.4)
Tetraethyl lead.....	A	10 (4.54)
Tetraethyl pyrophosphate.....	A	10 (4.54)
Thallium sulfate.....	B	100 (45.4)
Toluene.....	C	1,000 (454)
Toxaphene.....	X	1 (0.454)
Trichlorfon.....	B	100 (45.4)

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES—Continued

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Trichloroethylene.....	C	1,000 (454)
Trichlorophenol.....	A	10 (4.54)
Triethanolamine.....	C	1,000 (454)
dodecylbenzenesulfonate.....		
Triethylamine.....	D	5,000 (2,270)
Trimethylamine.....	B	100 (45.4)
Uranyl acetate.....	B	100 (45.4)
Uranyl nitrate.....	B	100 (45.4)
Vanadium pentoxide.....	C	1,000 (454)
Vanadyl sulfate.....	C	1,000 (454)
Vinyl acetate.....	D	5,000 (2,270)
Vinylidene chloride.....	D	5,000 (2,270)
Xylene.....	C	1,000 (454)
Xylenol.....	C	1,000 (454)
Zinc acetate.....	C	1,000 (454)
Zinc ammonium chloride.....	C	1,000 (454)
Zinc borate.....	C	1,000 (454)
Zinc bromide.....	C	1,000 (454)
Zinc carbonate.....	C	1,000 (454)
Zinc chloride.....	C	1,000 (454)

TABLE 117.3 - REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES—Continued

NOTE: The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C", and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (Kilograms)
Zinc cyanide.....	A	10 (4.54)
Zinc fluoride.....	C	1,000 (454)
Zinc formate.....	C	1,000 (454)
Zinc hydrosulfite.....	C	1,000 (454)
Zinc nitrate.....	C	1,000 (454)
Zinc phenolsulfonate.....	D	5,000 (2,270)
Zinc phosphide.....	B	100 (45.4)
Zinc silicofluoride.....	D	5,000 (2,270)
Zinc sulfate.....	C	1,000 (454)
Zirconium nitrate.....	D	5,000 (2,270)
Zirconium potassium fluoride.....	C	1,000 (454)
Zirconium sulfate.....	D	5,000 (2,270)
Zirconium tetrachloride.....	D	5,000 (2,270)

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