

Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Once the requirements have been approved and assigned an OMB control number a technical amendment to this rule will be published in the **Federal Register**.

B. Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities. Only two companies manufactured or imported chlorinated terphenyl since 1971. Currently, no company is known to manufacture or import chlorinated terphenyl. This rule also contains a small manufacturer exemption (see definitions "Small Manufacturer"). Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 95-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this regulation is not major because it does not have an effect of \$100 million or more on the economy. It is expected to have an annual cost of less than \$2,000. It does not have a significant effect on competition, costs, or prices.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

IX. List of Subjects in 40 CFR Part 704

Environmental protection, Hazardous materials, Imports, Recordkeeping and reporting requirements.

Dated: March 16, 1984.

William D. Ruckelshaus,
Administrator.

PART 704—[AMENDED]

Therefore, 40 CFR Part 704 is amended as follows:

1. By redesignating the existing Subpart E as Subpart D.
2. By adding a new § 704.85 to read as follows:

§ 704.85 Chlorinated terphenyl.

(a) *Definitions.* (1) "Chlorinated terphenyl" means a chemical substance, CAS No. 61788-33-6, comprised of

chlorinated ortho-, meta-, and paraterphenyl.

(2) "Extent of chlorination" means the percent by weight of chlorine for each isomer (ortho, meta, and para).

(3) "Isomeric ratio" means the ratios of ortho-, meta-, and parachlorinated terphenyls.

(4) "Polychlorinated biphenyl" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees.

(5) "Small manufacturer" means a manufacturer (importers are defined as manufacturers under TSCA) who meets either of the following standards under this rule:

(i) First standard. A manufacturer of an existing chemical substance is small if its total annual sales, when combined with those of its parent company (if any), are less than \$40 million. However, if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer is greater than 45,400 kilograms (100,000 pounds), the manufacturer shall not qualify as small for purposes of reporting on the production of that chemical substance at the site, unless the manufacturer qualified as small under paragraph (a)(5)(ii) of this section.

(ii) Second standard. A manufacturer of an existing chemical substance is small if its total annual sales, when combined with those of its parent company (if any), are less than \$4 million, regardless of the quantity of chemicals produced by that manufacturer.

(b) *Persons who must report.* Except for small manufacturers and as provided in § 704.5, the following persons are subject to the rule:

(1) Persons who manufacture or propose to manufacture chlorinated terphenyl.

(2) Persons who import (importers) or propose to import chlorinated terphenyl as a chemical substance in bulk or as part of a mixture.

(c) *What information to report.* Persons subject to this rule as described in paragraph (b) of this section must notify EPA of current or proposed manufacture or import of chlorinated terphenyl. The notice must include, to the extent that it is known to the person making the report or is reasonably ascertainable, the following information:

- (1) Company name and address.
- (2) Name, address, and telephone number of principal technical contact.

(3) A description of the use(s) or intended use(s) for chlorinated terphenyl.

(4) A description of the isomeric ratio and extent of chlorination of the chlorinated terphenyl and the impurity level of polychlorinated biphenyls.

(5) The quantity (by weight) manufactured or imported within 12 months prior to the effective date of the rule, if any, and the estimated quantity (by weight) to be manufactured or imported for the first three years following the date of the report or the date of the intended start of production, whichever occurs later.

(6) The proposed date for the initiation of manufacturing or importation of chlorinated terphenyl, if appropriate.

(d) *When to report.* Persons who are manufacturing or importing chlorinated terphenyl on the effective date of the rule must notify EPA within 30 days of the effective date of the rule. Persons who propose to manufacture or import chlorinated terphenyl must notify EPA within 15 days after making the management decision described in § 704.3(p).

(e) *Where to send reports.* Notices must be submitted by certified mail to the United States, Environmental Protection Agency, Document Processing Center, P.O. Box 2070, Rockville, Md. 20852. Attn: Chlorinated terphenyl notification.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 172

[Docket HM-145D; Amdt. Nos. 171-78, 172-90]

Hazardous Waste Manifest; Shipping Papers

Correction

In FR Doc. 84-7167 beginning on page 10507 in the issue of Tuesday, March 20, 1984, make the following correction:

On page 10510, in the third column, in the third line in § 172.205(a), "Forms" should read "Form".

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