Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In §180.284, paragraph (c) is amended by revising the introductory text and adding in alphabetical order new entries to the table to read as follows:

§ 180.284 Zinc phosphide, tolerances for residues.

* * * * *

(c) Time-limited tolerances are established for residues of phosphine resulting from the use of the rodenticide zinc phosphide in connection with use of the pesticide under FIFRA section 18 emergency exemptions granted by EPA. The tolerances are specified in the following table. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration/ Revocation Date
Alfalfa (forage)	0.1	April 15, 1998
Alfalfa (hay)	0.1	April 15, 1998
Clover (forage)	0.1	April 15, 1998
Clover (hay)	0.1	April 15, 1998
* *	*	* *
Timothy (forage)	0.1	April 15, 1998
Timothy (hay)	0.1	April 15, 1998
Timothy (seed)	0.1	April 15, 1998

[FR Doc. 97–3931 Filed 2–19–97; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 261

[SW–FRL–5690–6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final rule; amendment.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is amending 40 CFR part 261, appendix IX to reflect changes in ownership and name for United Technologies Automotive, Inc., Jeffersonville, Indiana. Today's amendment documents these changes.

EFFECTIVE DATE: February 20, 1997.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346 or at (703) 412–9810. For technical information contact Ms. Judy Kleiman, Waste Management Branch (DRP–8J), Waste, Pesticides and Toxics Division, U.S. Environmental Protection Agency, 77 W. Jackson Blvd, Chicago, IL 60604, (312) 886–1482.

SUPPLEMENTARY INFORMATION: In this document EPA is amending appendix IX to part 261 to reflect changes in the ownership and name for United Technologies Automotive. The petition process under §§ 260.20 and 260.22 allows facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by the petitioner, EPA granted an exclusion to United Technologies Automotive on April 29, 1986, for F019 wastes at its Jeffersonville, Indiana, facility (51 FR 15888). On November 20, 1995, Region 5 received notice that ownership of the United Technologies Automotive facility in Jeffersonville, Indiana, was transferred to Profile Extrusion Company. On November 14, 1996, Region 5 received notice that ownership of Profile Extrusion Company was transferred to Alumnitec, Inc.

In this notification Alumnitec noted that no changes had been made in the management of the F019 waste excluded by the Agency, and that all conditions of the exclusion will continue to be met. Today's notice documents this change by updating Appendix IX to incorporate this change in name.

This change to 40 CFR Part 261, Appendix IX will be effective February 20, 1997. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. As described above, Alumnitec will continue to meet all conditions of United Technologies Automotive's exclusion. Therefore, a six-month delay in the effective date is not necessary in this case. This provides a basis for making this amendment effective immediately upon publication under the Administrative Procedures Act, pursuant to 5 U.S.C. 5531(d).

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: January 21, 1997.

Jo Lynn Traub,

Acting Regional Administrator, Region 5.

For the reasons set out in the preamble, 40 CFR part 261 is to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

2. 40 CFR Part 261, Appendix IX, Table 1, is amended by removing the entry for ''United Technologies Automotive, Inc.'' and by adding in alphabetical order the entry for ''Alumnitec, Inc.'' to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* * *	*	* * *
Alumnitec, Inc. (formerly Profile Extrusion Co., formerly United Technologies Automotive, Inc.).	Jeffersonville, IN	Dewatered wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion of aluminum after April 29, 1986.
* * *	*	* * *

[FR Doc. 97–4121 Filed 2–19–97; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 100

RIN 0906–AA36

National Vaccine Injury Compensation Program: Revisions and Additions to the Vaccine Injury Table—II

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule.

SUMMARY: The Secretary has made findings as to certain illnesses and conditions that can reasonably be determined in some circumstances to be caused or significantly aggravated by certain vaccines. Based on these findings, the Secretary is amending, by final rule, the existing regulations governing the National Vaccine Injury Compensation Program (VICP) by revising the Vaccine Injury Table (Table) as authorized under section 313 of the National Childhood Vaccine Injury Act of 1986 and section 2114 (c) and (e) of the Public Health Service Act (the Act).

The VICP provides a system of no-fault compensation for certain individuals who have been injured by specific childhood vaccines. The Vaccine Injury Table included in the Act establishes presumptions about causation of certain illnesses and conditions, which are used by the Court to adjudicate petitions.

EFFECTIVE DATE: This regulation is effective March 24, 1997.

FOR FURTHER INFORMATION CONTACT: Geoffrey Evans, M.D., Chief Medical Officer, Division of Vaccine Injury Compensation, Bureau of Health Professions, (301) 443–4198, or David Benor, Senior Attorney, Office of the General Counsel (301) 443–2006.

SUPPLEMENTARY INFORMATION:

Introduction and Procedural History

On November 8, 1995, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services (the Secretary), published in the Federal Register (60 FR 56289) A Notice of Proposed Rulemaking (NPRM) to amend the Vaccine Injury Table (the Table) and to revise the Qualifications and Aids to Interpretation of the Table (Qualifications and Aids). The NPRM was issued pursuant to section 2114(c) of the Act, which authorizes the Secretary to promulgate regulations to modify the Table, and section 2114(e), which directed the Secretary to add to the Table, by rulemaking, coverage of additional vaccines which are recommended by the Centers for Disease Control and Prevention for routine administration to children.

As stated in the preamble to the NPRM, under section 313 of the Act, Congress mandated that the Secretary review the scientific literature and other relevant information to determine whether, based upon the available evidence, a causal relationship exists between certain adverse events examined and exposure to vaccines against diphtheria, measles, mumps, poliomyelitis, and tetanus. The review was broadened to include the vaccines against hepatitis B, and Hemophilus influenzae type b (Hib). The Secretary entered into a contract with the Institute of Medicine (IOM), as recommended by Congress, to perform this review. The IOM issued its findings in a report entitled *Adverse Events Associated with Childhood Vaccines; Evidence Bearing on Causality*. (Institute of Medicine, K.R. Stratton, C.J. Howe, R.B. Johnson, Eds., 1994.) Upon consideration of the IOM report, consultations with the Advisory Committee on Childhood Vaccines (ACCV), and the National Vaccine Advisory Committee (NVAC), and review of other relevant scientific information, the Secretary published the proposed changes to the Table and the Qualifications and Aids.

There was a 6-month comment period after publication. The Secretary received three written comments in response to the NPRM. A public hearing was scheduled for February 29, 1996, as announced in the Federal Register on February 5, 1996 (61 FR 4249), but no individual or organization appeared to testify.

One of the commenters, an association representing pediatricians, extended its full support for the proposed additions and revisions to the Table.

A second comment was submitted by a manufacturer of several childhood vaccines. The manufacturer's comment was that the proposed revisions to the Table did not definitively state how the proposed revisions would affect persons who have pending civil actions against vaccine manufacturers or administrators when the revisions to the Table become effective. The manufacturer suggested that language should be added to the rule which affirmatively gives plaintiffs in the tort system the ability to file a claim, within 2 years after the effective date of the revision or before judgment, if the injury or death allegedly attributable to the vaccine occurred no more than 8 years before the effective date of the revision. Section 2116(b) of the Act provides a 2-year period after the effective date of a revision to the Table for a petition to be filed based on the revision. The injury or death alleged to be related to the vaccine must have occurred no more than 8 years before the date of the revision. However, section 2111(a)(5)(B) of the Act states that ''[i]f a plaintiff has pending a civil action for damages for a vaccine-related injury or death, such person may not file a petition under the subsection (b) (of the Act) for such injury or death.'' reading these provisions together, it appears that if a plaintiff in such a case dismisses the civil action and files a Program petition within the applicable time limit, the petition may proceed. (If the civil action led to an award of damages or a settlement, section 2111(a)(7) of the Act would prohibit the filing of the petition.) In the light of these statutory provisions, we believe that the issue raised by the commenter is adequately addressed.

The final comment was from a group representing vaccine-injured persons and their families. The group had comments in several areas. The Secretary has carefully considered these comments and responds to them below. The first assertion of the group was that two independent IOM committees concluded that the scientific evidence favors a causal relationship between oral polio vaccine and tetanus vaccine and Guillain-Barre Syndrome (GBS). The commenter questions why, given this information, the Secretary is proposing to remove GBS from the Table. First, it is worth noting that this condition has never been included in the Table. Moreover, the preamble to the NPRM explained in detail the Department's reasons for proposing not to extend the Table's coverage to this condition. (60 FR 56292–3 and 56296–7.) The commenter's reference to the IOM committee's report does not provide a sufficient basis to reverse the Department's analysis, given that this analysis fully considered the IOM committee's report, as well as other relevant data.

The commenter's second concern asked for an explanation of why anaphylaxis is the only Table injury for hepatitis B vaccine when the IOM review stated that no scientific studies have been conducted to determine if there is a causal relationship between hepatitis B and arthritis, Sudden Infant Death Syndrome (SIDS), GBS, myoptic (sic: optic) neuritis, multiple sclerosis, transverse myelitis or other central