

US EPA ARCHIVE DOCUMENT

regarding today's action under section 801 because this is a rule of particular applicability.

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 28, 1998. Filing a petition for reconsideration by the Regional Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve VOC RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

F. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks. Executive Order 13045 (62 FR 19885, April 23, 1997), applies to any rule that is (1) likely to be "economically significant" as defined under Executive Order 12866, and (2) the Agency has reason to believe that the environmental health or safety risk addressed by the rule may have a disproportionate effect on children. If a regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045, "Protection of Children from Environmental Health Risks and Safety Risks" because this is not an "economically significant" regulatory action as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 13, 1998.

William Wisniewski,

Acting Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(132) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(132) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on April 16, 1996 and March 24, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Two (2) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations in the form of operating permits on the following dates: April 16, 1996 and March 24, 1998.

(B) Operating permits (OP):

(1) The Fibre-Metal Products Company (Delaware County), OP 23-0025, effective February 20, 1998, except for the expiration date and conditions Nos. 16 and 17 relating to non-RACT provisions.

(2) Finnaren & Haley, Inc. (Montgomery County), OP 46-0070, effective March 5, 1998, except for the expiration date and conditions Nos. 13 and 15 relating to non-RACT provisions.

(3) Fres-co System USA, Inc. (Bucks County), OP 09-0027, effective March 5, 1998, except for the expiration date and conditions No. 22 relating to non-RACT provisions.

(4) Graphic Packaging Corporation (Chester County), OP 15-0013, effective February 28, 1998, except for the expiration date and conditions Nos. 19 and 20 relating to non-RACT provisions.

(5) Montour Oil Service Company (Lycoming County), OP 41-0013, effective March 19, 1998, except for the expiration date and conditions Nos. 7 and 9 relating to non-RACT provisions.

(6) Atlantic Refining and Marketing Corporation (Northumberland County), OP 49-0015, effective March 19, 1998, except for the expiration date and conditions Nos. 8 and 10 relating to non-RACT provisions.

(7) Transwall Corporation (Chester County), OP 15-0025, effective March 10, 1998, except for the expiration date and conditions Nos. 15, 19, and 21 relating to non-RACT provisions.

(8) Tavo Packaging, Inc. (Bucks County), OP 09-0008, effective

November 8, 1995 except for the expiration date and condition No. 7 relating to non-RACT provisions.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's April 16, 1996 and March 24, 1998 VOC and NO_x RACT SIP submittals for the relevant sources.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated March 24, 1998 from James M. Seif, Secretary, Pennsylvania Department of Environmental Protection providing additional information on Tavo Packaging, Inc.

[FR Doc. 98-17117 Filed 6-26-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 268, and 271

[FRL-6115-4]

RIN 2050-AD79

Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: On May 4, 1998, EPA published regulations listing two organobromine production wastes as hazardous. It also set land disposal restrictions prohibitions and treatment standards for those wastes. This document corrects purely technical errors in the final regulations.

EFFECTIVE DATE: This rule is effective on June 29, 1998.

ADDRESSES: Supporting materials for the final rule are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The Docket Identification Number is F-98-OBLF-FFFFF. The RCRA Docket is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC

metropolitan area. For information on this notice contact Rhonda Minnick (5302W), Office of Solid Waste, 401 M Street, S.W., Washington, DC 20460, (703) 308-8771.

SUPPLEMENTARY INFORMATION: This rule is available on the Internet. Please follow these instructions to access the rule electronically: From the World Wide Web (WWW), type <http://www.epa.gov/epaoswer>, then select option for Rules and Regulations.

The official record for this action is kept in a paper format, and is maintained at the address in the **ADDRESSES** section at the beginning of this document.

I. Reasons and Basis for Today's Amendment

The Agency has found a number of purely technical errors in the final rule. Today's amendment makes technical corrections where appropriate.

II. Amendments to the Final Rule

A. Section 148.18

Paragraph (f) of § 148.18 stated that the effective date of the prohibition for the underground injection of organobromine production wastes was August 3, 1998, the date 90 days from date of publication. This is in error. A waste cannot be prohibited from land disposal, including underground injection, before it is a hazardous waste. The wastes do not become hazardous until November 4, 1998, six months from the date of publication (63 FR 24596). Therefore, the effective date for § 148.18 is being amended to conform with the effective date of the listing, November 4, 1998.

B. Section 268.33

Paragraph (b) of § 268.33 is unnecessary and is thus being removed. The paragraph stated that the organobromine production wastes could be land disposed between May 4, 1998 and November 4, 1998 only in a unit meeting minimum technological requirements. Such a prohibition does not make sense, however, because the organobromine production wastes are not hazardous until November 4, 1998. To clarify that there is no prohibition on land disposal of these wastes between May 4, 1998 and November 4, 1998, paragraph (b) is omitted, paragraph (c) is designated as (b), and paragraph (d) is designated as (c).

Paragraph (c) (new paragraph (b)) is amended so that it no longer references paragraph (b), the paragraph being omitted as discussed above. Removal of this unnecessary cross-reference will

make new paragraph (b) much easier to understand.

Paragraph (d) (new paragraph (c)) included language that applies only to wastes that display a hazardous characteristic. It stated: "If the waste contains constituents (*including underlying hazardous constituents in characteristic wastes that have been diluted to remove the characteristic*) in excess of the applicable Universal Treatment Standard levels of § 268.48 of this Part, the waste is prohibited from land disposal, and all requirements of Part 268 are applicable, except as otherwise specified." The italicized phrase does not apply to organobromine production wastes because they are wastes that are listed as hazardous rather than ones that display a hazardous characteristic. The phrase is removed by this action.

C. Section 268.40

There was a mistake in the treatment standard table for K140. The table erroneously stated that the treatment standard for 2,4,6-Tribromophenol wastewaters was 0.35. The treatment standard is corrected to be 0.035, which conforms to the wastewater treatment standards for 2,4,6-Tribromophenol in U408, and in the Universal Treatment Standards table.

D. Section 271.1

There were two mistakes in § 271.1(j), Table 2. The effective dates in Table 2 appeared as August 3, 1998, and May 4, 2000. Both of these dates were incorrect. They are corrected by this amendment to be November 4, 1998.

III. Rationale for Immediate Effective Date

Today's notice does not create any new regulatory requirements; rather, it clarifies requirements by correcting a number of errors in the May 4, 1998 final rule. For these reasons, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide for an immediate effective date. See generally 61 FR at 15662. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(b)(3) to promulgate today's corrections in final form and that there is good cause under 5 U.S.C. 553(b)(3) to waive the requirement that regulations be published at least 30 days before they become effective.

IV. Analysis Under Executive Order 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, the Paperwork Reduction Act, National Technology Transfer and Advancement Act of 1995, and Executive Order 13045

Under Executive Order 12866, this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose annual costs of \$100 million or more, will not significantly or uniquely affect small governments, and is not a significant federal intergovernmental mandate. The Agency thus has no obligations under sections 202, 203, 204 and 205 of the Unfunded Mandates Reform Act. Moreover, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to sections 603 or 604 of the Regulatory Flexibility Act, and it does not affect requirements under the Paperwork Reduction Act. Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104-113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. Neither this technical correction action nor the final rule involve technical standards. Therefore, EPA did not consider the use of any voluntary standards in this rulemaking. This final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because this action is not an economically significant rule, and it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

V. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 29, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is [is not] a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 148

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: June 18, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for part 148 continues to read as follows:

Authority: Sec. 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*

2. Section 148.18 is amended by revising paragraph (f) to read as follows:

§ 148.18 Hazardous waste injection restrictions.

* * * * *

(f) Effective November 4, 1998, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste number K140, and in 40 CFR 261.33(f) as EPA Hazardous Waste number U408 are prohibited from injection.

PART 268—LAND DISPOSAL RESTRICTIONS

3. The authority citation for Part 268 continues to read as follows:

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

4. Section 268.33 is amended by removing paragraph (b), by redesignating paragraph (c) as (b), and paragraph (d) as (c), and revising redesignated paragraphs (b) introductory text, and (c) to read as follows:

§ 268.33 Waste-specific prohibitions—organobromine wastes.

* * * * *

(b) The requirements of paragraph (a) of this section do not apply if:

* * * * *

(c) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in § 268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Universal Treatment Standard levels of § 268.48 of this part, the waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified.

5. Section 268.40 is amended by revising in the table the entry for K140 to read as follows. The appropriate footnotes are republished without change.

§ 268.40 Applicability of treatment standards.

* * * * *

TREATMENT STANDARDS FOR HAZARDOUS WASTES

[Note: NA means not applicable.]

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Waste-waters	Nonwaste-waters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
K140	Floor sweepings, off-specification product, and spent filter media from the production of 2,4,6 tribromophenol..	2,4,6-Tribromophenol	118-79-6	0.035	7.4
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

Footnotes to Treatment Standard Table 268.40

¹ The waste descriptions provided in this table do not replace waste descriptions in 40 CFR 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

² CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

³ Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

⁴ All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 40 CFR 268.42 Table 1—Technology Codes and Descriptions of Technology-Based Standards.

⁵ Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264 Subpart O or Part 265 Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

⁶ Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

⁷ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

⁸ These wastes, when rendered nonhazardous and then subsequently managed in CWA, or CWA-equivalent systems, are not subject to treatment standards. (See § 268.1(c)(3) and (4)).

⁹ These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See § 148.1(d)).

¹⁰ Between August 26, 1996, and August 26, 1997, the treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at § 268.42 Table 1 of this Part, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at § 268.42 Table 1 of this Part, for wastewaters.

¹¹ For these wastes, the definition of CMBST is limited to: (1) combustion units operating under 40 CFR 266, (2) combustion units permitted under 40 CFR Part 264, Subpart O, or (3) combustion units operating under 40 CFR 265, Subpart O, which have obtained a determination of equivalent treatment under 268.42 (b).

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

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

August 3, 1998 and for May 4, 2000 to read as follows:

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

Subpart A—Requirements for Final Authorization

7. Section 271.1(j) is amended by revising the entries in Table 2 for

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

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

Effective date	Self-implementing provision	RCRA citation	Federal Register reference
* * * * *	* * * * *	* * * * *	* * * * *
November 4, 1998	Prohibition on land disposal of newly listed and identified wastes..	3004(g)(4)(C) and 3004(m)	May 4, 1998; 63 FR 24596
November 4, 1998	Prohibition on land disposal of radioactive waste mixed with the newly listed and identified wastes, including soil and debris..	3004(m) 3004(g)(4)(C) and 3004(m)	Do.
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[FR Doc. 98-17264 Filed 6-26-98; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 95-116; FCC 98-82]

Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On May 12, 1998, the Commission released a Third Report and Order in CC Docket No. 95-115, adopting measures to distribute the costs of long-term number portability among telecommunications carriers. In this order, the Commission decides that telecommunications carriers shall pay for the shared costs of the number

portability regional databases based on each telecommunications carrier's end-user telecommunications revenues in each region, telecommunications carriers shall bear their own carrier-specific costs directly related to providing number portability, incumbent LECs have the option to recover their carrier-specific costs directly related to providing number portability through a five-year end user charge, as well as through number portability query charges to other carriers, and unregulated carriers may recover their carrier-specific costs directly related to providing number portability in any lawful manner. This Third Report and Order ensures that all telecommunications carriers bear the costs of number portability in a competitively neutral manner. **EFFECTIVE DATE:** July 29, 1998, except for §§ 52.32(b) and 52.33(a)(1), which contain information collection requirements that are not effective until approved by the Office of Management

and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those sections.

FOR FURTHER INFORMATION CONTACT: Lloyd Collier at (202) 418-2712, or Neil Fried at (202) 418-1865, Competitive Pricing Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Third Report and Order in CC Docket No. 95-116, In the Matter of Telephone Number Portability, FCC 98-82, RM 8535, adopted May 5, 1998, and released May 12, 1998. The file in its entirety is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 1231 20th St., N.W., Washington, D.C. 20036, phone (202) 857-3800.