

US EPA ARCHIVE DOCUMENT

adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. There are no expected environmental consequences of the action that would require further analysis and documentation.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

■ For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From 9 p.m. July 15, 2005, to 5 a.m. November 15, 2005, in § 117.1041, suspend paragraph (a)(1) and add a new paragraph (a)(3) to read as follows:

#### § 117.1041 Duwamish Waterway.

(a) \* \* \*

(3) Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except that the draw shall open on one-hour notice for a vessel of 5000 gross tons and over, a vessel towing a vessel of 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over.

Sunday through Friday, the draws need not be opened for the passage of any vessels from 9 p.m. to 5 a.m.

\* \* \* \* \*

Dated: June 8, 2005.

J.M. Garrett,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 05–11850 Filed 6–15–05; 8:45 am]

BILLING CODE 4910–15–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 148, 261, 268, 271, and 302

[RCRA–2003–0001; FRL–7924–9]

RIN 2050–AD80

### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards; Correction

**AGENCY:** EPA.

**ACTION:** Final rule; correction.

**SUMMARY:** EPA issued a final rule in the *Federal Register* on February 24, 2005, listing as hazardous under the Resource Conservation and Recovery Act (RCRA) nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants. This document corrects typographical errors in the regulatory text and notes other typographical errors in the preamble.

**DATES:** This correction is effective on August 23, 2005.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the *Federal Register* document of February 24, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Robert Kayser, Hazardous Waste Identification Division, Office of Solid Waste (5304W), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (703) 308–7304; fax number: (703) 308–0514; e-mail address: [kayser.robert@epa.gov](mailto:kayser.robert@epa.gov). For general information on the final rule, review our Web site at <http://www.epa.gov/epaoswer/hazwaste/id/dyes/index.htm>.

#### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does This Action Apply to Me?

The Agency included in the final rule of February 24, 2005, a list of those who

may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Access Electronic Copies of This Document and Other Related Information?

In addition to using the EDOCKET at <http://www.epa.gov/edocket/>, you may access this *Federal Register* document electronically through the EPA Internet under the *Federal Register* listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 261 is available at e-CFR Beta Site at <http://www.gpoaccess.gov/ecfr/>.

## II. What Does This Correction Do?

This Action corrects two typographical errors in the final rule, both of which are the same but occur in different paragraphs, published in the *Federal Register* of February 24, 2005 (see FR Doc. 05–3454; 70 FR 9138–9180) (FRL–7875–8). The first error appears at 70 FR 9176 in the text of § 261.32(d)(2). At the end of the first sentence, the phrase “listing levels of this section” is misplaced and is in part repetitive. The phrase “listing levels of” should immediately precede “paragraph (c)” in that sentence and the last usage of the phrase “this section” at the end of the sentence should be deleted. Thus, the first sentence of § 261.32(d)(2) should conclude as follows: “to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this section.”

The second error also appears at 70 FR 9176 in the text of § 261.32(d)(3)(iv)(B). At the end of the sentence, the phrase “listing levels of this section” is misplaced and is in part repetitive. The phrase “listing levels of” should immediately precede “paragraph (c)” in the sentence and the last usage of the phrase “this section” at the end of the sentence should be deleted. Thus, § 261.32(d)(3)(iv)(B) should conclude as follows: “to support any claim that the constituent mass loadings are below the listing levels of paragraph (c) of this section.”

We also note that the preamble to the final rule contains several erroneous regulatory citations. The first one appears at 70 FR 9145, in the second column, in the first paragraph under the heading “1. Toluene-2,4-diamine,” line three. The correct regulatory citation is to “§ 261.32(c)(1)” and not “§ 261.31(c)(1)”. The second one appears in line six of the same paragraph. The correct citation is to

“§ 261.32(c)(2)” and not to “§ (c)(2)”. The last one appears at 70 FR 9145, in the third column, in line six. The correct citation is to “§ 261.32(c)(1)” and not “§ 261.31(c)(1)”.

### III. Why Is This Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's correction final without prior proposal and opportunity for comment, because EPA is merely correcting language to allow the affected rule sections to make sense grammatically. Therefore, EPA finds that additional public comment is not necessary under 5 U.S.C. 553(b)(B).

### IV. Do Any of the Statutory and Executive Order Reviews Apply to This Action?

This final rule implements an amendment to the Code of Federal Regulations that has no substantive impact on the underlying regulations, and it does not otherwise impose or amend any requirements. As such, the Office of Management and Budget (OMB) has determined that such amendments are not a “significant regulatory action” subject to review by OMB under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866, this rule is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). This action does not require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or OMB review or any Agency action under Executive Order 13045, entitled Protection of Children from

Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since the action does not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This action does not alter the relationships or distribution of power and responsibilities. For similar reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and

responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

### V. Congressional Review Act

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. 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 this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous materials, Waste treatment and disposal, Recycling.

Dated: June 10, 2005.

**Stephen L. Johnson,**  
Administrator.

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

### PART 261—[CORRECTED]

■ 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. Section 261.32 is amended by revising the introductory text to paragraph (d)(2) and paragraph (d)(3)(iv)(B) to read as follows:

#### § 261.32 Hazardous wastes from specific sources.

\* \* \* \* \*

(d) \* \* \*

(2) *Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this

section. To make this determination, the generator must:

\* \* \* \* \*

(3) \* \* \*

(iv) \* \* \*

(B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of paragraph (c) of this section.

\* \* \* \* \*

[FR Doc. 05-11914 Filed 6-15-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 262, 264, and 265

[FRL-7925-1]

RIN 2050-AE21

### Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting errors that appeared in the Hazardous Waste Manifest Final Rule, which was published in the **Federal Register** (FR) on March 4, 2005 (70 FR 10776). This final rule does not create new regulatory requirements.

**EFFECTIVE DATE:** This final rule is effective September 6, 2005.

**ADDRESSES:** EPA has established a docket for the manifest final rule under Docket ID No. RCRA-2001-0032. All documents—including this correction—in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be available publicly only in hard copy form. Docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center (EPA/DC), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for

the EPA Docket Center is (202) 566-0270.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding specific aspects of this document, contact Bryan Groce, Office of Solid Waste, (703) 308-8750, [groce.bryan@epa.gov](mailto:groce.bryan@epa.gov), or Richard LaShier, Office of Solid Waste, (703) 308-8796, [lashier.rich@epa.gov](mailto:lashier.rich@epa.gov). Mail inquiries may be directed to the Office of Solid Waste, (5304W), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

#### SUPPLEMENTARY INFORMATION:

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#### I. Does This Rule Create New Federal Requirements?

No. This rule creates no new regulatory requirements; rather, it corrects errors made in the Appendix to part 262 of chapter 40 of the Code of Federal Regulations (CFR) and corrects certain manifest regulations that were promulgated in the March 4, 2005 **Federal Register**.

#### II. What Does This Rule Do?

This rule corrects the printing omissions of the manifest form (EPA Form 8700-22) and the continuation sheet (EPA Form 8700-22A), which were omitted inadvertently from the final rule promulgated on March 4, 2005 (70 FR 10776), by inserting the manifest form (EPA Form 8700-22) and the continuation sheet (EPA Form 8700-22A) into the corresponding manifest instructions. In addition, this rule amends portions of the instructions for the manifest form and continuation sheet, which are contained in the Appendix to part 262 of chapter 40 of the CFR, amends the marking requirements at 40 CFR 262.33 for hazardous waste generators and amends the manifest discrepancy requirements at 40 CFR 264.72 and 265.72. Specifically, the rule:

(1) Corrects the EPA mailing address for comment submissions regarding the

Paperwork Reduction Act (PRA) burden statement estimates;

(2) Corrects the incorrect description of the telephone number to insert in Item 5 of the manifest instructions;

(3) Corrects the wording in the instructions to the first certification (*i.e.*, the Generator Certification) in Item 15 so that it is consistent with the revised certification wording on the manifest form;

(4) Clarifies that the reference to the DOT marking regulation (*i.e.*, 49 171.3(b)(1)) in 40 CFR 262.33 does not apply to generators, and deletes it from the placarding regulation that is applicable to generators; and,

(5) Corrects errors in 40 CFR 264.72(e)(4) and in 265.72(e)(4) pertaining to manifest discrepancies.

This final rule will be effective on September 6, 2005, which is the same effective date of the March 4, 2005 Manifest Final Rule. We believe this approach will minimize confusion about the new manifest form and procedures.

#### III. Why Is This Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this action final without prior proposal and opportunity for comment because these corrections to the final rule do not change the requirements of the final rule. They are minor corrections and are not controversial. Thus, notice and public comment are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

#### IV. Why Are the Clarifications and Corrections in This Rule Necessary?

EPA believes the errors in the March 4, 2005 **Federal Register** notice may cause confusion about the new manifest form and procedures. Therefore, we are explaining the corrections below.

##### A. Corrections and Clarifications to the PRA Burden Statement

The EPA mailing address contained in the PRA burden statement for manifest completion is incorrect. We are amending the manifest instructions in the Appendix to 40 CFR part 262 by correcting the EPA mailing instructions contained in the PRA burden statement so that any correspondence regarding