

performance test under § 63.7(h), a copy of the full request and the Administrator's approval or disapproval;

(x) All documentation supporting initial notifications and notifications of compliance status required by § 63.9; and

(xi) As required by § 63.10(b)(3), records of any applicability determination, including supporting analyses.

(b) Specific recordkeeping requirements:

(1) In addition to the general records required by paragraph (a) of this section,

the owner or operator shall maintain records for five years from the date of each record of:

(i) Records of pressure drop across the venturi if a venturi scrubber is used;

(ii) Records of manufacturer certification that monitoring devices are accurate to within 5 percent and of semiannual calibration;

(iii) Copy of the written maintenance plan for each air pollution control device;

(iv) Copy of the fugitive dust control plan; and

(v) Records of each maintenance inspection and repair, replacement, or other corrective action.

(c) All records for the most recent two years of operation must be maintained on site. Records for the previous three years may be maintained off site.

§ 63.1659 Delegation of authorities.

(a) In delegating implementation and enforcement authority to a State under subpart E of this part, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) No authorities are retained by the Administrator.

§ 63.1660—§ 63.1679 [Reserved]

TABLE 1 OF SUBPART XXX.—GENERAL PROVISIONS APPLICABILITY TO SUBPART XXX

Reference, subpart A general provisions	Applies to subpart XXX, §§ 63.1620—63.1679	Comment
63.1–63.5	Yes.	
63.6(a)–(g), (i)–(j)	Yes.	
63.6(h)(1)–(h)(6), (h)(8)–(h)(9)	Yes.	
63.7(h)(7)	No	§ 63.6(h)(7), use of continuous opacity monitoring system, not applicable.
63.7	Yes.	
63.8	Yes.	
63.9	Yes	Notification of performance test results changed to a 30-day notification period. ^a
63.10	Yes	Allow changes in dates by which periodic reports are submitted by mutual agreement between the owner or operator and the State to occur any time after the source's compliance date.
63.11	No	Flares will not be used to comply with the emission limits.
63.12–63.15	Yes.	

^aComment applies to §§ 63.1650–63.1679. For §§ 63.1620–63.1649, comment reads "Notification of performance test results and of opacity observations changed to a 15-day notification period."

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL–6133–9]

RIN 2050 AD38

Land Disposal Restrictions—Treatment Standards for Spent Potliners From Primary Aluminum Reduction (K088); Notice of Data Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: EPA has received a number of data sets from which Land Disposal Restrictions (LDR) may be derived for EPA Hazardous Waste: K088—Spent potliners from primary aluminum reduction. In today's document, the

Agency is presenting these data sets for comment in the context of developing a treatment standard for total arsenic (mg/kg) in K088 waste.

The public has 10 days from publication of this document to comment on these data sets and their utility in the development of K088 treatment standards. This document does not reopen for comment any other LDR Phase III or Phase IV issue.

DATES: Comments on this document must be submitted by August 14, 1998.

ADDRESSES: To submit comments, the public must send an original and two copies to Docket Number F–98–K88A–FFFFF, located at the RCRA Docket. The mailing address is: RCRA Information Center, U.S. Environmental Protection Agency (5305W), 401 M. Street, SW, Washington, D.C. 20460. RCRA Information Center is located at 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RCRA Information Center is open for public inspection and copying of supporting information for RCRA rules 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. A maximum of 100 pages may be copied from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information or to order paper copies of this **Federal Register** document, call the RCRA Hotline. Callers within the Washington, Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). Long-distance callers may call 1–800–424–9346 or TDD 1–800–553–7672. The RCRA Hotline is open Monday–Friday, 9 a.m. to 6 p.m., Eastern Standard Time. For other information on this document, contact Elaine Eby (703) 308–8449 or Katrin Kral at (703) 308–6120, Office of Solid Waste, Mail Code 5302W, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

A. Paperless Office Effort

EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter. This expedited procedure is in conjunction with the Agency "Paperless Office" campaign. For further information on the submission of diskettes, contact Elaine Eby of the Waste Treatment Branch at (703) 308-8449.

Availability of Rule on the Internet: Please follow these instructions to access the rule:

From the World Wide Web (WWW), type <http://www.epa.gov/fedrgstr>. For the text of the document, choose: Year/Month/Day.

B. Notice of Data Availability*I. Background*

K088 (spent potliner from primary aluminum production) (40 CFR 261.32) is generated by the aluminum manufacturing industry. Aluminum production occurs in four distinct steps: (1) mining of bauxite ores; (2) refining of bauxite to produce alumina; (3) reduction of alumina to aluminum metal; and (4) casting of the molten aluminum. Bauxite is refined by dissolving alumina (aluminum oxide) in a molten cryolite bath. Next, alumina is reduced to aluminum metal. This reduction process requires high purity aluminum oxide, carbon, electrical power, and an electrolytic cell. An electric current reduces the alumina to aluminum metal in electrolytic cells, called pots. These pots consist of a steel shell lined with brick with an inner lining of carbon. During the pot's service the liner is degraded and broken down. Upon failure of a liner in a pot, the cell is emptied, cooled, and the lining is removed.

In 1980, EPA listed spent potliners as a RCRA hazardous waste and assigned the hazardous waste code K088. See 45 FR 47832 (1980).

The Phase III—Land Disposal Restrictions Rule (61 FR 15566, April 8,

1996) prohibited the land disposal of untreated spent potliner unless the waste satisfied the section 3004(m) treatment standard established in the same rulemaking. Phase III established treatment standards, expressed as numerical concentration limits, for various constituents in the waste. These constituents included arsenic, cyanide, fluoride, toxic metals, and a group of organic compounds called polycyclic aromatic hydrocarbons (PAHs).

With the exception of fluoride, the treatment standard limits established for K088 were equivalent to the universal treatment standards, developed "by evaluating all existing Agency data from various technologies." See 61 FR 15585; see also 40 CFR 268.48 ("Universal Treatment Standards" Table). The fluoride standard, however, was based on data submitted in a delisting petition from the Reynolds Metal Company. In the Phase III rule, the Agency granted a nine-month national capacity variance pursuant to section 3004 (h)(2) "to allow facilities generating K088 adequate time to work out logistics." See 61 FR 15589.

Unexpected performance problems in the Reynolds treatment process resulted in the generation of leachate exhibiting characteristics of hazardous waste. Consequently, the Agency postponed implementing the land disposal prohibition for an additional six months on January 14, 1997 to be able to study the efficacy of the Reynolds treatment process and the leachate that was generated. See 62 FR 1992, January 14, 1997. (At the time, Reynolds was the only operational commercial treatment facility for K088.) In July 1997, EPA announced that, "Reynolds" treatment (albeit imperfect) does reduce the overall toxicity associated with the waste" and consequently was an improvement over the disposal of untreated spent potliner. See 62 FR 37696, July 14, 1997. On October 8, 1997, the extension ended and the prohibition on land disposal of untreated spent potliner took effect.

Petitions for judicial review of the Phase III rule and the January 1997 and July 1997 rules were filed by Columbia Falls Aluminum Company, et al. The petitioners argued that the use of the Toxicity Characteristic Leaching Procedure (TCLP) does not accurately predict the leaching of toxic constituents, particularly arsenic, to the environment. The United States Court of Appeals for the District of Columbia Circuit decided, on April 3, 1998, that EPA's use of the TCLP as a basis for setting treatment standards for K088 was arbitrary and capricious. The court consequently vacated the treatment standards for fluoride and the metals, including arsenic, which are expressed

only in terms of the TCLP. The Court also vacated the prohibition on land disposal. (See *Columbia Falls Aluminum Company, et al., Petitioners v. Environmental Protection Agency*, No. 96-1234, D.C. Cir.) In its decision, the Court expressly invited EPA to file a motion to delay issuance of the mandate in this case for a reasonable time in order to develop a replacement standard (slip op. p. 21).

On May 18, 1998, EPA filed a motion with the D.C. Circuit Court to stay the decision while the Agency promulgated interim treatment standards under its Land Disposal Restrictions (LDR) program. The Court subsequently granted the Agency until September 24, 1998 to promulgate the aforementioned interim standards. This Notice of Data Availability is part of the Agency's effort to meet the court deadline of September 24.

II. Description of Data Sets for Total Arsenic Concentrations in Treated Potliner

Because the Reynolds treatment represents virtually all of the available capacity for potliner treatment and the actual leachate concentrations of arsenic as a result of the Reynolds treatment are not accurately predicted by the test conditions of the TCLP, the Agency is developing an alternative treatment standard for arsenic in K088 waste based on the total arsenic present. In this manner, the addition of arsenic-containing additives during treatment would be prohibited. The Agency has examined a number of data sets, with adequate analytical sensitivity, from which such a standard may be developed. In this section, the Agency presents for comment these data sets.

a. Reynolds Performance Data

In April 1998, the Agency received process performance data from Reynolds Metals Company. Total arsenic concentration data (mg/kg) were generated from grab samples collected from the kiln residue at Reynolds' Gum Springs, Arkansas plant from November 27, 1997 through December 26, 1997. These data consist of 30 measurements for total arsenic in treated residue. Total arsenic concentrations range from 8.77 to 27.6 mg/kg. Quality assurance/quality control (QA/QC) documentation is provided with the data. The source(s) of the potliner is not identified.

The Agency also received a one-page "Special Laboratory Report" (December 6, 1996) showing total arsenic concentrations (mg/kg) for K088 potliner in both the untreated and treated forms. The reported total arsenic

concentrations (mg/kg) for these six data sets are as follows: untreated 5.17, treated 10.2; untreated 17.9, treated 11.0; untreated 7.89, treated 10.1; untreated 3.40, treated 8.90; untreated 4.82; treated 10.3; and untreated 8.14, treated 9.61. No quality assurance/quality control documentation is provided with this data. The source(s) of the potliner is not identified.

b. Ormet Delisting Petition

Data from the Ormet Primary Aluminum Corporation facility in Hannibal, Ohio was submitted to EPA in April 1994. The report, titled *Petition for Exclusion for Vitrified Product From Spent Potliner*, requested a delisting of their residues from their vitrification treatment process. The data in the report include arsenic concentrations found in five samples, taken from a pilot-scale combustion melting system (CMS) vitrification process to treat K088 wastes. Total arsenic concentrations (mg/kg) in the five treated waste samples are reported as: <2, <5, <5, <5, and 4.2. Quality assurance/quality control documentation for this data set consists of duplicate samples and matrix spike recoveries reported for three of the five samples.

c. Correspondence From Vortec Corporation

Pursuant to a request by the Agency for "totals" data from residuals produced from the vitrification of K088 in Vortec Corporation's vitrification process, data was received by the Agency in a letter from R. Sarah Compton, Kilpatrick Stockton LLP to Ms. Marilyn Goode, U.S. Environmental Protection Agency, dated February 26, 1997. In this letter, total arsenic concentrations are reported from two pilot-scale treatability studies conducted on K088 waste. The first data set concerned tests conducted on waste generated by Ravenswood Aluminum. This data consists of only one datum point for total arsenic, which was measured as "not detected" (less than 3 mg/kg total arsenic). The second data set shows the results of a pilot-scale treatability study of K088 wastes generated by Alumax Corporation. Total arsenic concentrations (mg/kg) for this data set consist of seven data points: 4, 5, <3, <3, <3, <3, and <3. No quality assurance/quality control (QA/QC) documentation is provided for either of the data sets.

III. Development of Total Arsenic Treatment Standard

As noted, the Agency is noticing for comment five data sets, one or more of which will likely be used to develop a

total arsenic treatment standard for K088 waste that will be promulgated by September 24, 1998. The Agency's Land Disposal Restrictions Program (LDR) has specific requirements for any data set evaluated for possible Best Demonstrated Available Technology (BDAT) analysis. A full range of information is necessary to determine whether a treatment and its corresponding performance data warrants further evaluation for possible development of the treatment standard. For example, waste characterization; treatment design and operating conditions; and quality assurance/quality control (QA/QC) documentation are all necessary components of a "BDAT quality" data set. See USEPA "Final Best Demonstrated Available Technology (BDAT) Background Document for Quality Assurance/Quality Control Procedures and Methodology," Office of Solid Waste, October 23, 1991.

The Agency is currently conducting a thorough evaluation of the aforementioned data sets with regard to the BDAT protocols. If, however, the Agency were to calculate a treatment standard from one of these data sets as they are presented today, a total arsenic treatment standard for K088 would range between 5 and 26 mg/kg total arsenic, depending on the data set.

IV. Documents Supporting This NODA

The documents being placed in the docket for this NODA include:

1. USEPA, Preliminary Calculation of Nonwastewater Treatment Standard for Total Arsenic Found in Spent Potliners From Primary Aluminum Reduction, July 1998.

2. Spent Potliner Analytical Data, Partial Petition for Exclusion, Ormet Corporations, Hannibal, Ohio. (To view entire petition, refer to (F-95-PH3P-S0108 and F-95-PH3P-S0108.a))

3. "Special Laboratory Report," December 6, 1996. Reynolds Metals Company.

4. Letter from R. Sarah Compton, Kilpatrick Stockton LLP to Ms. Marilyn Goode, U.S. EPA, February 26, 1997.

5. Reynolds Lab Reports, Reynolds Metals Company, November 27, 1997 through December 26, 1997.

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

Dated: July 23, 1998.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 98-20607 Filed 8-3-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 43 and 63

[IB Docket No. 98-118, FCC 98-149]

Biennial Review of International Common Carrier Regulations; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the dates that comments and reply comments are to be filed on a proposed rule published in the **Federal Register** on July 24, 1998, regarding Biennial Review of International Common Carrier Regulations.

FOR FURTHER INFORMATION CONTACT: Douglas Klein, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418-1470. Correction: In proposed rule FR Doc. 98-43, beginning on page 39793 in the **Federal Register** issue of July 24, 1998, the **DATES** section is corrected to read:

DATES: Comments are due on or before August 13, 1998; and reply comments are due on or before August 28. Written comments by the public on the proposed information collections are due September 22, 1998.

Dated: July 29, 1998.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-20748 Filed 8-3-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 98-3866; Notice 2]

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Extension of comment period.

SUMMARY: This notice grants a request to extend the comment period on an agency proposal to amend the Uniform Tire Quality Grading Standards (UTQGS) to change the treadwear grading procedures. Subsequent to