

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 261**

[SW-FRL-6359-6]

**Hazardous Waste Management  
System: Identification and Listing of  
Hazardous Waste; Technical  
Amendment****AGENCY:** Environmental Protection  
Agency.**ACTION:** Technical amendment.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is amending 40 CFR part 261, appendix IX to delete two facilities that were granted exclusions for their wastes and no longer produce these wastes. The following facilities have been deleted: Tricil Environmental Systems, Inc., Hilliard, Ohio; and Tricil Environmental Systems, Inc., Muskegon, Michigan. Today's amendment documents these changes.

**EFFECTIVE DATE:** June 15, 1999.

**ADDRESSES:** The regulatory docket for this rule is located at U.S. EPA, Crystal Gateway I, 1235 Jefferson Davis Highway, ground floor outside main lobby, Arlington, VA 22202, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. The Docket Office can be reached at (703) 603-9230. The reference number for this docket is F-86-TRFE-FFFFF. The public may copy material from the regulatory docket free for the first 100 pages and \$0.15 for additional pages.

**FOR FURTHER INFORMATION CONTACT:** RCRA Hotline, toll free at (800) 424-9346 or at (703) 412-9810. For technical information contact Mr. Jim Kent, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (703) 308-0461.

**SUPPLEMENTARY INFORMATION:****I. The Technical Amendment**

On February 8, 1994, EPA published a final rule (59 FR 5725, February 8, 1994) to delete Tricil Environmental Systems, Inc., Hilliard, Ohio; and Tricil Environmental Systems, Inc., Muskegon, Michigan from 40 CFR part 261, appendix IX. EPA inadvertently did not include deleting the two Tricil Environmental Systems, Inc. facilities from Table 2 of appendix IX of 40 CFR part 261; EPA corrects this omission in today's technical amendment by promulgating the appropriate regulatory text.

**II. Background**

Under 40 CFR 260.20 and 260.22 a person may petition EPA 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 petitioner, EPA granted exclusions to Tricil Environmental Systems, Inc., Hilliard, Ohio (51 FR 41494, November 17, 1986); and Tricil Environmental Systems, Inc., Muskegon, Michigan (51 FR 41494, November 17, 1986).

EPA decided to delete these two facilities from Appendix IX because these facilities notified EPA that they had ceased operations that generate the excluded waste. Tricil Environmental Systems, Inc., Hilliard, Ohio, ceased generation of the excluded waste on June 30, 1991; and Tricil Environmental Systems, Inc., Muskegon, Michigan, ceased generation of the excluded waste on September 1, 1992.

In 1993, the above generators confirmed in writing that they no longer generate the delisted waste at their facilities. On October 15, 1993, the Agency notified these facilities of the proposed action and solicited their comments. No comments were received disputing the Agency's intended action. These changes to appendix IX of 40 CFR part 261 are effective June 15, 1999. These facilities would need to submit new delisting petitions if they wish to generate the excluded waste at any time in the future.

**III. Effective Date**

This technical amendment is effective June 15, 1999. EPA has determined that there is good cause for making today's technical amendment final without prior proposal and opportunity for comment because EPA is merely correcting a technical omission in a previously issued rule to delete two facilities from appendix IX, Table 2 that have stopped production of the excluded waste. Thus, notice and public comment are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

**IV. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This action also

does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

**IV. Submission to Congress and  
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 Congress and to the Comptroller General of the United States. The EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability, etc. Section 804 exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedures, or practice that do not substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3). This rule will become effective on June 15, 1999.

**List of Subjects in 40 CFR Part 261**

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

**Authority:** Sec. 3001(f) RCRA, 42 U.S.C. 6921 (f).

Dated: June 2, 1999

**Elizabeth Cotsworth,**  
*Acting Director, Office of Solid Waste.*

For the reasons set out in the preamble, 40 CFR Part 261 is 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, and 6922, and 6938.

**Appendix IX to Part 261 [Amended]**

2. Table 2 of Appendix IX of Part 261 is amended by removing the entries for "Tricil Environmental Systems, Inc., Hilliard, Ohio"; and "Tricil Environmental Systems, Inc., Muskegon Michigan."

[FR Doc. 99-15170 Filed 6-14-99; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 723**

[OPPT-50636; FRL-6068-5]

**Recordkeeping Requirements for Low Volume Exemption and Low Release and Exposure Exemption; Technical Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final Rule; technical correction.

**SUMMARY:** This technical correction re-establishes recordkeeping requirements that were previously inadvertently deleted from the Low Volume Exemption (LVE) and Low Release and Exposure Exemption (LOREX) rule codified at 40 CFR § 723.50, that authorizes exemption from the pre-manufacture notice (PMN) requirement of section 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2604. The deletion resulted from a mistake in a "non-substantive procedural change" to update addresses in several TSCA regulations.

**DATES:** This technical correction is effective June 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Roy Seidenstein, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: 202-260-2252, fax: 202-260-0118, e-mail: seidenstein.roy@epa.gov. For general information contact: Joseph S. Carra, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: 202-554-1404, TDD: 202-554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Does this Action Apply to Me?**

You are governed by this rule if you submit or have submitted, on or after May 30, 1995, a LVE or LOREX notice to EPA pursuant to 40 CFR 723.50. Thus, you may be affected by this action if you manufacture (defined by statute to include import) chemical substances. Entities potentially affected by this action may include, but are not limited to:

Type of Entity	SIC	NAICS	Examples of Potentially Affected Entities
Chemical Manufacturers or Importers.	28 2911	325 32411	Persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.

The chart above is not intended to be exhaustive, but rather provides a guide for readers regarding entities that may be affected by this action. Other types of entities not listed could also be affected. The Standard Industrial Classification (SIC) codes or the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the provisions in 40 CFR 723.50. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

**II. How Can I Get Additional Information or Copies of this or Other Support Documents?****A. Electronically**

You may obtain electronic copies of this document and various support documents from the EPA internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register - Environmental Documents." You can also go directly to the "Federal

Register" listings at <http://www.epa.gov/homepage/fedrgstr/>.

**B. In person or by phone**

If you have any questions or need additional information about this action, you may contact the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section. In addition, the official record for this notice, including the public version, has been established under docket control number [OPP-50636]. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as CBI, is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE-B607, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Nonconfidential Information Center telephone number is 202-260-7099.

**III. Why is this Technical Correction Necessary?**

This notice re-establishes recordkeeping requirements at 40 CFR 723.50(n) that were previously deleted inadvertently. The deletion resulted from a mistake in a "non-substantive procedural change" to update addresses in several TSCA rules. The details of how this error occurred are as follows:

On April 26, 1985, EPA published a final rule entitled "Exemption for Chemical Substances Manufactured in Quantities of 1,000 Kg or Less Per Year" (50 FR 16477). That rule was promulgated under section 5(h)(4) of the Toxic Substances Control Act (TSCA) and creates an exemption from the premanufacture notice (PMN) requirement of TSCA section 5(a)(1)(A) and 40 CFR part 720. The exemption is based on a determination by EPA that those chemical substances that satisfy the requirements of the exemption will not present an unreasonable risk of injury to human health or the environment. The exemption, commonly called the Low Volume Exemption (LVE) Rule, was codified at 40 CFR 723.50. The original LVE rule contained "Submission of information" requirements at 723.50(n) and "Recordkeeping" requirements at 723.50(o).

On March 29, 1995, at 60 FR 16336, EPA published a final rule which amended the LVE rule at 40 CFR 723.50, effective May 30, 1995. The new title of § 723.50 became "Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures." Among