

**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

other things, the March 1995 amendment increased the low volume limit from 1,000 kilograms per year to 10,000 kilograms per year (see § 723.50(c)(1)) and added a new exemption (at § 723.50(c)(2)) for chemicals with low environmental release and low human exposure, commonly called the LOREX exemption. The March 1995 amendment did not contain a separate "Submission of information" paragraph, and moved the "Recordkeeping" requirements to § 723.50(n). (In the amended LVE/LOREX rule, § 723.50(e) includes directions on the address to which notices must be submitted.)

On July 3, 1995, at 60 FR 34462, EPA published an immediately effective final rule entitled "Technical Amendments to TSCA Regulations to Update Addresses." That amendment was intended to revise address information in several different TSCA regulations, including § 723.50. The preamble to the July 3, 1995 technical amendment states "Because these changes are non-substantive procedural changes, notice and public comment are not necessary. These changes are effective immediately."

It is quite clear from the text of the July 3, 1995 technical amendment that it contained a significant error. In particular, it appears that the July 3, 1995 technical amendment was written without knowledge or consideration of the March 1995 LVE/LOREX amendments, which had changed the title and text of the paragraph at § 723.50(n) from a provision entitled "Submission of information" to a provision entitled "Recordkeeping." The July 3, 1995 technical amendment incorrectly refers to the title of the rule at § 723.50 as "Chemical substances manufactured in quantities of 1,000 kilograms or less per year," rather than the title that became legally effective on May 30, 1995, i.e., "Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures." Moreover, the supposedly updated address inserted at § 723.50(n) by the July 3, 1995 technical amendment is virtually identical to the address that was already present in the LVE/LOREX rule at § 723.50(e) at that time. The only difference in address is that the July 3, 1995 amendment included "Room G-099" and the LVE/LOREX rule at § 723.50(e) does not state a room number. Today's technical correction retains the room number provided in the July 3, 1995 technical amendment, but relocates the address information to § 723.50(e).

More importantly, because the July 3, 1995 technical amendment accidentally inserted provisions entitled "Submission of information" in the wrong place in the LVE/LOREX rule, i.e., at § 723.50(n), the July 3, 1995 rulemaking unintentionally deleted the recordkeeping requirements then-existing at § 723.50(n). Today's technical correction restores the LVE/LOREX recordkeeping requirements at § 723.50(n) that were unintentionally deleted.

#### **IV. Why Is this Technical Correction Issued as a Final Rule?**

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the corrections contained in this action will simply reverse an inadvertent deletion that occurred when a previous technical amendment that purported merely to correct a submission address failed to consider a recent amendment that relocated that address provision. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) to make this amendment without prior notice and comment.

#### **V. Do Any of the Regulatory Assessment Requirements Apply to this Action?**

No. This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). 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 (UMRA) (Pub. L. 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR

27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). 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), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

#### **VI. Will EPA Submit this Final Rule to Congress and the Comptroller General?**

Yes. 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. EPA has made such a good cause finding for this final rule, and established an effective date of June 15, 1999. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit IV. of this preamble. 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 is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 723**

Chemicals, Environmental protection, Premanufacture notification, Hazardous materials, Reporting and recordkeeping requirements.

Dated: May 21, 1999.

**Susan H. Wayland,**

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

Therefore, 40 CFR chapter I, part 723 is amended as follows:

**PART 723—[AMENDED]**

1. The authority citation for part 723 continues to read as follows:

**Authority:** 15 U.S.C. 2604.

2. In § 723.50, revise the second sentence of paragraph (e)(1) and revise paragraph (n) to read as follows:

**§ 723.50 Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures.**

\* \* \* \* \*

(e) \* \* \* (1) \* \* \* The notice must be sent in writing to: TSCA Document Control Officer (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room G-099, 401 M St., SW., Washington, DC 20460. \* \* \*

\* \* \* \* \*

(n) *Recordkeeping.* (1) A manufacturer of a new chemical substance under paragraph (c) of this section must maintain the records described in this paragraph at the manufacturing site or site of importation for a period of 5 years after their preparation.

(2) The records must include the following to demonstrate compliance with this section:

(i) Records of annual production volume and import volume.

(ii) Records documenting compliance with the applicable requirements and restrictions of paragraphs (c), (e), (f), (h), (i), (j), and (k) of this section.

(3) Any person who manufactures a new chemical substance under the terms of this section must, upon request of a duly designated representative of EPA, permit such person at all reasonable times to have access to and to copy records kept under paragraph (n)(2) of this section.

(4) The manufacturer must submit the records listed in paragraph (n)(2) of this section to EPA upon request. Manufacturers must provide these records within 15 working days of receipt of such request.

\* \* \* \* \*

[FR Doc. 99-15174 Filed 6-14-99; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****46 CFR Part 16**

[USCG-1988-4469]

RIN 2115-AF67

**Management Information System (MIS) Requirements**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains a correction to the final rule (USCG-1988-4469) which was published April 27, 1999. The rule changed the Management Information System (MIS) annual reporting requirements for chemical drug testing.

**EFFECTIVE DATE:** This correction notice is effective June 15, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG-1988-4469), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001. You may also access docket materials over the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this rule, contact Lieutenant Jennifer Ledbetter, Coast Guard, telephone 202-267-0684. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

**SUPPLEMENTARY INFORMATION:****Background**

The Office of Management and Budget (OMB) requested that the Coast Guard reduce the amount of information collected under the Management Information System (MIS) annual reporting requirements for chemical testing data. The required reports provide drug and alcohol testing information from marine employer chemical testing programs. The Coast Guard and OMB discussed how to reduce the annual reporting requirements for chemical drug testing information. The reductions discussed with OMB were set out in the final rule.

**Need for Correction**

As published, the final rule contains an inaccurate website address that may prove to be misleading and therefore needs to be corrected.

**Correction of Publication**

Accordingly, the publication on April 27, 1999 of the final rule (USCG-1988-4469), which is the subject of (FR Doc. 99-10553) is corrected as follows:

**§ 16.500 [Corrected]**

1. On page 22559, in the second column, line 10, the website address “<http://www.uscg.mil/hq/g-m.html>” is corrected to read “<http://www.uscg.mil/hq/g-m/nmc/genpub.htm>”.

Dated: June 4, 1999.

**R.C. North,**

*Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 99-15042 Filed 6-14-99; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 23**

RIN 1018-AF58

**Amendment by Mexico to Appendix III Listing of Bigleaf Mahogany Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule announces an amendment to the Appendix III listing of bigleaf mahogany (*Swietenia macrophylla*) under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention). The species in the Americas and its logs, sawn wood, and veneer sheets have been included in Appendix III since November 1995, based on an action by the Government of Costa Rica. The Government of Mexico has supplied information to the CITES Secretariat to independently include the species in Appendix III to support its national legislation for the species and the need for cooperation of other CITES countries in controlling the international trade. We will consider any comments received on whether to enter a reservation on Mexico's action for this species.

**DATES:** This rule is effective on June 15, 1999. The change to the Appendix III listing for the Mexican population of the species as set forth in this rule entered into force on April 29, 1999, under the terms of the Convention.

**ADDRESSES:** Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific