

Requirements for VWPP Participation

For a country to qualify as a participant in the VWPP, the country:

- Must agree to waive the visa requirement for nationals of the United States entering for business or pleasure for ninety (90) days or less,
- Must meet statutorily prescribed limits on visa refusal rates for the prior two year period, as well as the prior year;
- Must meet statutorily prescribed limits on rates of exclusion at ports of entry and on overstay rates,
- Must have a machine readable passport program. VWPP travelers must meet the following conditions:
 - They must present a valid passport;
 - They must be seeking entry into the United States for business or pleasure;
 - They must be seeking entry into the United States for ninety days or less (no extensions or changes/adjustments of status are allowed);
 - They must possess an onward or return ticket if traveling by air or sea;
 - They must not be ineligible under the Immigration and Nationality Act;
 - They must agree to waive any right to appeal a denial of entry.

Addition of Qualifying Countries*Portugal, Singapore and Uruguay*

The Attorney General, in consultation with the Secretary of State, has recently determined that Portugal, Singapore, and Uruguay have met the statutory requirements of INA 217 and, effective August 9, 1999, are eligible to participate in the Visa Waiver Pilot Program.

Interim Rule

The Department is promulgating this regulation in conjunction with the Immigration and Naturalization Service (INS) because section 217 of the INA, requires action by the Attorney General, in consultation with the Secretary of State. [See INS Rule also published in this **Federal Register** issue.]

The Department is implementing this regulation as an interim rule, with a 30-day provision for post-promulgation public comments. Publication as an interim rule is based upon the "good cause" exceptions set forth at 5 U.S.C. 553(b)(B) and 553(d)(3). Because this rule will facilitate tourist and business travel to and from the designated countries, delay for pre-promulgation public comment would be contrary to the public interest.

In accordance with 5 U.S.C. 605(b) [Regulatory Flexibility Act], the Department certifies that this rule does not have a "significant adverse economic impact" on a substantial

number of small entities, because it is inapplicable. This rule is exempt from E.O. 12866 [Regulatory Planning and Review] but has been coordinated with the Immigration and Naturalization Service because action by the Attorney General is required under section 217 of the INA, as amended. The rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. The Department has reviewed the rule as required by E.O. 12988 [Civil Justice Reform] and certifies it to be in compliance therewith.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports, Temporary visitors, Visas, Waivers.

This interim rule, with request for comments, amends Part 41, Title 22 as follows:

PART 41—[AMENDED]

1. The authority citation for part 41 continues to read as follows:

Authority: 8 U.S.C. 1104.

§ 41.2 [Amended]

2. Amend paragraph (l)(2) of § 41.2 by removing the period at the end of the paragraph and adding "Portugal, Singapore and Uruguay" (effective August 9, 1999)" at the end of the sentence.

Dated: June 25, 1999.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 99-19923 Filed 8-2-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD11-99-012]

Drawbridge Operation Regulations; Sacramento River, California Department of Transportation Highway Bridge at Mile 90.1, at Knights Landing, Between Sutter and Yolo Counties, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The U.S. Coast Guard has issued a temporary deviation to regulations governing opening of the California Department of Transportation (Caltrans) Knights Landing bascule bridge over the Sacramento River at Knights Landing, CA. The bridge need open for vessels only on 24 hours

advance notice from August 2 through September 14, 1999. Additionally, only the south leaf of the bridge will be in service during this period. The bridge is normally operated on 12 hour advance notice, but Caltrans needs additional notice to facilitate replacement of the submarine power cable.

DATES: Effective period of the deviation is August 2, 1999, through September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Olmes, Bridge Administrator, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3515.

SUPPLEMENTARY INFORMATION: Caltrans notified the Eleventh Coast Guard District of the need for the submarine cable replacement on June 25, 1999.

These dates represent the only available work window, due to potential impacts to sensitive species at other times.

Although alternate routes past the bridge are not available, there would be little or no impact to vessel traffic since vessels can still transit the bridge with advance notice. The horizontal clearance through the bridge with one leaf operation is 100 feet, which is adequate for all vessels normally using the waterway in the Knights Landing area. The bridge provides 30 feet vertical clearance above Low Water and is opened only a few times each year for large recreational vessels or marine construction or dredging equipment.

This deviation from the normal operating regulations in 33 CFR 117.189(b) is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: July 22, 1999.

T.H. Collins,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 99-19529 Filed 8-2-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 261**

[SW-FRL-6409-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by Occidental Chemical Inc. (Occidental) to exclude from hazardous waste control (or delist) a certain solid

waste. This action responds to the petition originally submitted by Occidental Chemical to delist the Rockbox Residue on a "generator specific" basis from the lists of hazardous waste. The EPA received a notice from Oxy Vinyls, LP regarding a change in ownership. Effective May 1, 1999, Oxy Vinyls, LP became the owner of Occidental Chemical Corporation, Houston Chemical Complex, VCM Site. Oxy Vinyls has advised the Agency that it wishes to proceed with the petition for delisting submitted by Occidental Chemical. We have changed the references to Occidental Chemical in the conditions of the delisting to Oxy Vinyls.

After careful analysis, the EPA has concluded that the petitioned waste is not hazardous waste when disposed of in Subtitle D landfills/surface impoundments. This exclusion applies to Rockbox Residue generated at Oxy Vinyl's Deer Park, Texas facility. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in Subtitle D landfills/surface impoundments but imposes testing conditions to ensure that the future-generated wastes remain qualified for delisting.

EFFECTIVE DATE: August 3, 1999.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Freedom of Information Act review room on the 7th floor from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665-6444 for appointments. The reference number for this docket is "F-97-TXDEL-OCCDEERPK". The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general information, contact Bill Gallagher, at (214) 665-6775. For technical information concerning this notice, contact Michelle Peace, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, (214) 665-7430.

SUPPLEMENTARY INFORMATION:

The information in this section is organized as follows:

I. Overview Information

- A. What action is EPA finalizing?
- B. Why is EPA approving this delisting?
- C. What are the limits of this exclusion?

- D. How will Oxy Vinyls manage the waste if it is delisted?
 - E. When is the final delisting exclusion effective?
 - F. How does this action affect states?
- II. Background
- A. What is a delisting petition?
 - B. What regulations allow facilities to delist a waste?
 - C. What information must the generator supply?
- III. EPA's Evaluation of the Waste Data
- A. What wastes did Oxy Vinyls petition EPA to delist?
 - B. How much wastes did Oxy Vinyls propose to delist?
 - C. How did Oxy Vinyls sample and analyze the waste data in this petition?
- IV. Public Comments Received on the Proposed Exclusion
- A. Who submitted comments on the proposed rule?
 - B. Can Oxy Vinyl increase the waste volume?
 - C. Why wasn't the EPACMTP used?

I. Overview Information

A. What Action Is EPA Finalizing?

The EPA is finalizing:

- (1) The decision to grant Oxy Vinyls' petition to have their Rockbox Residue excluded, or delisted, from the definition of a hazardous waste; and
- (2) The use of the EPA Composite Model for Landfills as the fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment.

The Agency used this model to predict the concentration of hazardous constituents released from the petitioned waste once it is disposed.

After evaluating the petition, EPA proposed, on February 19, 1999 to exclude the Oxy Vinyls' waste from the lists of hazardous wastes under §§ 261.31 and 261.32 (see 64 FR 8278).

B. Why Is EPA Approving This Delisting?

Oxy Vinyls petitioned to exclude the Rockbox Residue treatment residues because it does not believe that the petitioned waste meets the criteria for which it was listed.

Oxy Vinyls also believes that the waste does not contain any other constituents that would render it hazardous. Review of this petition included consideration of the original listing criteria, as well as the additional listing criteria and the additional factors required by the HSWA of 1984. See, section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(2)-(4).

For reasons stated in both the proposal and this document, EPA believes that Oxy Vinyls' Rockbox Residue should be excluded from hazardous waste control. The EPA therefore is granting a final exclusion to

Oxy Vinyls, located in Deer Park, Texas for its Rockbox Residue.

C. What Are the Limits of This Exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in Table 1 of part 261 and the conditions contained herein are satisfied. The maximum annual volume of the Rockbox Residue is 1,000 cubic yards.

D. How Will Oxy Vinyls Manage the Waste if It Is Delisted?

The Rockbox Residue is currently disposed of in an off-site hazardous waste landfill. When delisted, the waste will be disposed of in an off-site Subtitle D industrial landfill.

E. When Is the Final Delisting Exclusion Effective?

This rule is effective August 3, 1999. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. These reasons also provide a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

F. How Does This Action Affect States?

Because EPA is issuing today's exclusion under the Federal RCRA delisting program, only States subject to Federal RCRA delisting provisions would be affected. This would exclude two categories of States: States having a dual system that includes Federal RCRA requirements and their own requirements, and States who have received our authorization to make their own delisting decisions.

Here are the details: We allow states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the State. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

EPA has also authorized some States (for example, Louisiana, Georgia,

Illinois) to administer a delisting program in place of the Federal program, that is, to make State delisting decisions. Therefore, this exclusion does not apply in those authorized States. If Oxy Vinyls transports the petitioned waste to or manages the waste in any State with delisting authorization, Oxy Vinyls must obtain delisting authorization from that State before they can manage the waste as nonhazardous in the State.

II. Background

A. What Is a Delisting Petition?

A delisting petition is a request from a generator to EPA or another agency with jurisdiction to exclude from the list of hazardous wastes, wastes the generator does not consider hazardous under RCRA.

B. What Regulations Allow Facilities To Delist a Waste?

Under 40 CFR 260.20 and 260.22, facilities may petition the EPA to

remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265 and 268 of Title 40 of the Code of Federal Regulations. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists.

C. What Information Must the Generator Supply?

Petitioners must provide sufficient information to EPA to allow the EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which

the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

III. EPA's Evaluation of the Waste Data

A. What Waste Did Oxy Vinyls Petition EPA To Delist?

Occidental Chemical-Deer Park, now Oxy Vinyls petitioned the EPA to exclude from hazardous waste control its Rockbox Residue waste generated at the wastewater treatment facility. The Rockbox Residue is listed for 3 EPA Hazardous Waste Numbers due to the "derived-from" and mixture rules. The waste are listed as K019, K020, and K017. The listed constituents of concern for these EPA Hazardous Waste Numbers are shown in Table 1. See, part 261, appendix VII.

TABLE 1.—HAZARDOUS WASTE CODES ASSOCIATED WITH WASTEWATER STREAMS

Waste code	Basis for characteristics/listing
K019/K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K017	Epichlorohydrin, chloroethers, trichloropropane, dichloropropanols.

B. How Much Waste Did Oxy Vinyls Propose To Delist?

Specifically, in its petition, Oxy Vinyls requested that EPA grant a standard exclusion for 1,000 cubic yards of Rockbox Residue generated per calendar year.

C. How Did Oxy Vinyls Sample and Analyze the Waste Data in This Petition?

In support of its petition, which included the sampling and analysis plan, Oxy Vinyls submitted: (1) Descriptions of its waste water treatment processes and the incineration activities associated with petitioned waste; (2) results of the total constituent list for 40 CFR part 264, appendix IX volatiles, semivolatiles, and metals except for pesticides, herbicides, and PCBs; (3) results of the constituent list for Appendix IX on Toxicity Characteristic Leaching Procedure (TCLP) extract for volatiles, semivolatiles, and metals; (4) results for reactive sulfide; (5) results for reactive cyanide; (6) results for pH; (7) results of ignitability; (8) results of the total basis for dioxin and furan; and (9) results of the dioxin and furan TCLP extract.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

The EPA received public comments on April 5, 1999, proposal from one interested party, the petitioner, Oxy Vinyls.

B. Can Oxy Vinyls Increase the Waste Volume?

The facility would like to increase the waste volume for the Rockbox Residue from 238 cubic yards to 1,000 cubic yards per year. The plant apparently has gathered information that additional waste will be generated and therefore requests that the increased annual volume be allowed.

A change in the volume of Rockbox Residue waste will not change the DAF, therefore the delisting levels will remain the same. The EPA approves the request to increase the volume of Rockbox Residue from 238 cubic yards to 1,000 cubic yards and revising the petition.

C. Why Wasn't the EPACMTP Used?

Oxy Vinyls felt that EPA should use the EPA Composite Model for Leaching Migration with Transformation Products (EPACMTP) to determine if the

petitioned waste was a candidate for a delisting petition, in the proposed rule.

The Region used the EPACMTP as a tool to preliminarily determine whether the wastes could meet the criteria for delisting as they pertain to the ground water pathway. We did not propose the Oxy Vinyls delisting decision based on the EPACMTP because the Region has not received internal concurrence or completed the external peer review necessary to propose the model's use in evaluating delisting petitions. When these reviews are complete, the Region will propose a decision based on the evaluation of the EPACMTP and request public comment. Until then, EPA must continue to use the EPACML model.

Regulatory Impact

Under Executive Order (EO) 12866, EPA must conduct an "assessment of the potential costs and benefits" for all "significant" regulatory actions. The final to grant an exclusion is not significant, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this

facility to manage its waste as nonhazardous. There is no additional impact therefore, due to today's final rule. Therefore, this proposal would not be a significant regulation and no cost/benefit assessment is required. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under section (6) of Executive Order 12866.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the Administrator or delegated representative certifies that the rule will not have any impact on small entities.

This rule, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96-511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050-0053.

Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, which was signed into law on March 22, 1995, EPA must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final

rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local, or tribal governments or the private sector. The EPA finds that today's proposed delisting decision is deregulatory in nature and does not impose any enforceable duty upon State, local, or tribal governments or the private sector. In addition, the proposed delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

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 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, the Comptroller General of the United States prior to publication of the final rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will become effective on the date of publication in the **Federal Register**.

Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their

concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

Executive Order 13045

The Executive Order 13045 is entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This order applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the 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 because this is not an economically significant regulatory action as defined by E.O. 12866.

Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to meaningful and timely

input'' in the development of regulatory policies on matters that significantly or uniquely affect their communities or Indian tribal governments. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments.

Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

National Technology Transfer and Advancement Act

Under section 12(d) if the National Technology Transfer and Advancement Act, the Agency is directed 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, business practices, etc.) developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires that Agency to provide Congress, through the OMB, an explanation of the reasons for not using such standards.

This rule does not establish any new technical standards and thus, the Agency has no need to consider the use of voluntary consensus standards in developing this final rule.

Lists of Subjects in 40 CFR Part 261

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

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

Dated: July 14, 1999.

Robert E. Hanneschlagler,
Acting Director, Multimedia Planning and Permitting Division, Region 6.

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 6938.

2. In Table 2 of Appendix IX, Part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* Oxy Vinyls	* Deer Park, Texas	* Rockbox Residue, (at a maximum generation of 1,000 cubic yards per calendar year) generated by Oxy Vinyls using the wastewater treatment process to treat the Rockbox Residue (EPA Hazardous Waste No. K017, K019, and K020). Oxy Vinyls must implement a testing program that meets the following conditions for the exclusion to be valid: (1) <i>Delisting Levels:</i> All concentrations for the following constituents must not exceed the following levels (ppm). The Rockbox Residue must be measured in the waste leachate by the method specified in 40 CFR 261.24. (A) Rockbox Residue: (i) Inorganic Constituents: Barium—200; Chromium—5.0; Copper—130; Lead+1.5; Tin—2,100; Vanadium—30; Zinc—1,000 (ii) Organic Constituents: Acetone—400; Dichloromethane—1.0; Dimethylphthalate—4,000; Xylene—10,000; 2,3,7,8-TCDD Equivalent—0.00000006 (2) <i>Waste Holding and Handling:</i> Oxy Vinyls must store in accordance with its RCRA permit, or continue to dispose of as hazardous waste all Rockbox Residue generated until the verification testing described in Condition (3)(B), as appropriate, is completed and valid analyses demonstrate that condition (3) is satisfied. If the levels of constituents measured in the samples of the Rockbox Residue do not exceed the levels set forth in Condition (1), then the waste is nonhazardous and may be managed and disposed of in accordance with all applicable solid waste regulations. If constituent levels in a sample exceed any of the delisting levels set in Condition 1, waste generated during the time period corresponding to this sample must be managed and disposed of in accordance with subtitle C of RCRA. (3) <i>Verification Testing Requirements:</i> Sample collection and analyses, including quality control procedures, must be performed according to SW-846 methodologies. If EPA judges the incineration process to be effective under the operating conditions used during the initial verification testing, Oxy Vinyls may replace the testing required in Condition (3)(A) with the testing required in Condition (3)(B). Oxy Vinyls must continue to test as specified in Condition (3)(A) until and unless notified by EPA in writing that testing in Condition (3)(A) may be replaced by Condition (3)(B). (A) <i>Initial Verification Testing:</i> (i) When the Rockbox unit is decommissioned for clean out, after the final exclusion is granted, Oxy Vinyls must collect and analyze composites of the Rockbox Residue. Two composites must be composed of representative grab samples collected from the Rockbox unit. The waste must be analyzed, prior to disposal, for all of the constituents listed in Condition 1. No later than 90 days after the Rockbox unit is decommissioned for clean out the first two times after this exclusion becomes final, Oxy Vinyls must report the operational and analytical test data, including quality control information.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(B) <i>Subsequent Verification Testing:</i> Following written notification by EPA, Oxy Vinyls may substitute the testing conditions in (3)(B) for (3)(A)(i). Oxy Vinyls must continue to monitor operating conditions, analyze samples representative of each cleanout of the Rockbox of operation during the first year of waste generation.</p> <p>(C) <i>Termination of Organic Testing for the Rockbox Residue:</i> Oxy Vinyls must continue testing as required under Condition (3)(B) for organic constituents specified under Condition (3)(B) for organic constituents specified in Condition (1)(A)(ii) until the analyses submitted under Condition (3)(B) show a minimum of two consecutive annual samples below the delisting levels in Condition (1)(A)(ii), Oxy Vinyls may then request that annual organic testing be terminated. Following termination of the quarterly testing, Oxy Vinyls must continue to test a representative composite sample for all constituents listed in Condition (1) on an annual basis (no later than twelve months after exclusion).</p> <p>(4) <i>Changes in Operating Conditions:</i> If Oxy Vinyls significantly changes the process which generate(s) the waste(s) and which may or could affect the composition or type waste(s) generated as established under Condition (1) (by illustration, but not limitation, change in equipment or operating conditions of the treatment process), Oxy Vinyls must notify the EPA in writing and may no longer handle the wastes generated from the new process or no longer discharges as nonhazardous until the wastes meet the delisting levels set Condition (1) and it has received written approval to do so from EPA.</p> <p>(5) <i>Data Submittals:</i> The data obtained through Condition 3 must be submitted to Mr. William Gallagher, Chief, Region 6 Delisting Program, U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, Mail Code, (6PD-O) within the time period specified. Records of operating conditions and analytical data from Condition (1) must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished upon request by EPA, or the State of Texas, and made available for inspection. Failure to submit the required data within the specified time period or maintain the required records on site for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:</p> <p>Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.</p> <p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>(6) <i>Reopener Language:</i></p> <p>(A) If, anytime after disposal of the delisted waste, Oxy Vinyls possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Director in granting the petition, then the facility must report the data, in writing, to the Director within 10 days of first possessing or being made aware of that data.</p> <p>(B) If the annual testing of the waste does not meet the delisting requirements in Paragraph 1, Oxy Vinyls must report the data, in writing, to the Director within 10 days of first possessing or being made aware of that data.</p> <p>(C) Based on the information described in paragraphs (A) or (B) and any other information received from any source, the Director will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p>

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(D) If the Director determines that the reported information does require Agency action, the Director will notify the facility in writing of the actions the Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary. The facility shall have 10 days from the date of the Director's notice to present such information.</p> <p>(E) Following the receipt of information from the facility described in paragraph (D) or (if no information is presented under paragraph (D)) the initial receipt of information described in paragraphs (A) or (B), the Director will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Director's determination shall become effective immediately, unless the Director provides otherwise.</p> <p>(7) <i>Notification Requirements:</i> Oxy Vinyls must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.</p>

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 [FR Doc. 99-19439 Filed 8-2-99; 8:45 am]
 BILLING CODE 6560-50-P

**OFFICE OF PERSONNEL
 MANAGEMENT**

45 CFR PART 801

RIN: 3206-A177

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is establishing two new offices for filing applications or complaints under the Voting Rights Act of 1965, as amended. This designation is necessary to enforce the voting guarantees of the Fourteenth and Fifteenth amendments to the Constitution. This amendment establishes Leake County, Mississippi, and Chickasaw County, Mississippi, as new offices for filing applications or complaints.

DATES: This rule is effective August 2, 1999. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before September 2, 1999.

ADDRESSES: Send or deliver comments to James F. Hicks, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, Room 7536, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT:

James F. Hicks, (202) 606-1700.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Leake County and Chickasaw County as additional examination points under the provisions of the Voting Rights Act of 1965, as amended. These designations are necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject counties, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds two new locations to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting Rights.

Office of Personnel Management.

Janice R. Lachance,
Director.

Accordingly, OPM is amending 45 CFR part 801 as follows:

PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for part 801 continues to read as follows:

Authority: 5 U.S.C. § 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. 1973e, 1973g).

Appendix A to Part 801 [Amended]

2. Appendix A to Part 801 is amended by adding alphabetically Chickasaw County and Leake County of Mississippi to read as follows:

* * * * *

Mississippi

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Chickasaw; U.S. Office of Personnel Management, 75 Spring Street SW, Room 905, Atlanta, Georgia, 30303
 1 (888) 496-9455; August 3, 1999

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Leake; U.S. Office of Personnel Management, 75 Spring Street SW, Room 905, Atlanta, Georgia 30303