

other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of today's proposed rule amendments on small entities, a small entity is defined as: (1) A small business according to Small Business Administration size standards for companies identified by NAICS codes 336111 (automobile manufacturing) and 336112 (light truck and utility vehicle manufacturing) with 1,000 or fewer employees or by NAICS code 323113 (commercial screen printing) with 500 or fewer employees; (2) a small governmental jurisdiction that is a government or a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Based on the above definition, there are no small entities presently engaged in automobile and light-duty truck surface coating. While there are small entities presently engaged in commercial screen printing, the proposed rule amendments would not impose any requirements on commercial screen printers.

After considering the economic impacts of today's proposed rule amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This is based on the observation that the proposed rule affects no small entities since none are engaged in the surface coating of automobiles and light-duty trucks, and no requirements are imposed on commercial screen printers. We continue to be interested in the potential impacts of the proposed rule amendments on small entities and welcome comments on issues related to such impacts.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 18, 2007.

**Stephen L. Johnson,**  
Administrator.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 260 and 261

[EPA-HQ-RCRA-2002-0031-FRL-8303-8]

RIN 2050-AG31

### Revisions to the Definition of Solid Waste

**AGENCY:** Environmental Protection Agency.

**ACTION:** Supplemental proposed rule; extension of comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing that the comment period to the supplemental proposed rule entitled Revisions to the Definition of Solid Waste published on March 26, 2007 (72 FR 14172) is being extended until June 25, 2007. In the supplemental proposal, EPA is requesting comment on revisions to the definition of solid waste which would exclude certain hazardous secondary materials from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). We are also soliciting comment on regulatory factors to be used to determine whether recycling of hazardous secondary materials is legitimate.

**DATES:** The comment period for this supplemental proposed rule is extended from the original closing date of May 25, 2007, to June 25, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2002-0031 by one of the following methods:  
*www.regulations.gov:* Follow the on-line instructions for submitting comments.

*E-mail:* Comments may be sent by electronic mail (e-mail) to *RCRA-docket@epa.gov*, Attention Docket ID No. EPA-HQ-RCRA-2002-0031.

*Fax:* Fax comments to: 202-566-0270, Attention Docket ID No. EPA-HQ-RCRA 2002-0031.

*Mail:* Send comments to: OSWER Docket, EPA Docket Center, Mail Code 5305T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-RCRA-2002-0031. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., Washington, DC 20503.

*Hand delivery:* Deliver comments to: Environmental Protection Agency, EPA Docket Center, Room B102, 1301 Constitution Avenue, NW., Washington,

DC, Attention Docket ID No. EPA-HQ-RCRA-2002-0031. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID Number EPA-HQ-RCRA-2002-0031. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OSWER Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OSWER Docket is (202) 566-0270.

**FOR FURTHER INFORMATION CONTACT:** For more detailed information on specific aspects of this rulemaking, contact Marilyn Goode, Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (703-308-8800) ([goode.marilyn@epa.gov](mailto:goode.marilyn@epa.gov)) or Tracy Atagi, Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (703-308-8672) ([atagi.tracy@epa.gov](mailto:atagi.tracy@epa.gov)).

**SUPPLEMENTARY INFORMATION:** A. *Comment Period.* We are extending the comment period by 30 days in response to requests from several stakeholders.

B. *Regulated Entities.* Entities potentially affected by this action include about 4,600 facilities in 530 industries in 17 economic sectors that generate or recycle hazardous secondary materials which are currently regulated as RCRA Subtitle C hazardous wastes (e.g., industrial co-products, by-products, residues, unreacted feedstocks). About 80 percent of these affected facilities are classified in NAICS code economic sectors 31, 32, and 33 (manufacturing), and the remainder are in NAICS code economic sectors 21 (mining), 22 (utilities), 23 (construction), 42 (wholesale trade), 44 and 45 (retail trade), 48 and 49 (transportation), 51 (information), 54 (professional, scientific and technical services), 56 (administrative support, waste management and remediation), 61 (educational services), 62 (health care and social assistance, and 81 (other services). About 0.65 million tons per year of recyclable industrial materials handled by these entities may be affected, of which the most common types are metal-bearing hazardous secondary materials (e.g., sludges and spent catalysts), and organic chemical liquids. This proposed rule, if promulgated, is expected to result in regulatory and materials recovery cost savings to these industries of approximately \$107 million per year. Taking into account impact estimation uncertainty factors, this rule, if promulgated, could affect between 0.3 to 1.7 million tons per year of industrial hazardous secondary materials handled by 3,600 to 5,400 entities in 460 to 570 industries, resulting in \$93 million to \$205 million per year of net cost savings. More detailed information on the potentially affected entities, industries, and industrial materials, as well as the economic impacts of this rule (with impact uncertainty factors), is

presented in the "Economics Background Document" available in the docket for this rulemaking.

C. *Submitting CBI.* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark all information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2.

#### List of Subjects

##### 40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Reporting and recordkeeping requirements.

##### 40 CFR Part 261

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

Dated: April 13, 2007.

**Matt Hale,**

*Director, Office of Solid Waste.*

[FR Doc. E7-7761 Filed 4-23-07; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Revised 12-Month Finding for Upper Missouri River Distinct Population Segment of Fluvial Arctic Grayling

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

**ACTION:** Notice of revised 12-month finding.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce our revised 12-month finding on a petition to list the upper Missouri River Distinct Population Segment (DPS) of fluvial Arctic grayling (*Thymallus arcticus*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). After a review of the

best available scientific and commercial information, we find that fluvial Arctic grayling of the upper Missouri River does not constitute a species, subspecies, or distinct population segment under the Act. Therefore, we find that the petition to list the upper Missouri River DPS of fluvial Arctic grayling is not warranted, and we withdraw the fluvial Arctic grayling from the candidate list. The Service continues to seek new information on the taxonomy, biology, ecology, and status of fluvial Arctic grayling and to support cooperative conservation of fluvial Arctic grayling in the upper Missouri River system.

**DATES:** This finding was made on April 24, 2007.

**ADDRESSES:** The complete file for this finding is available for inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Montana Field Office, 585 Shepard Way, Helena, MT 59601; telephone (406) 449-5225. Submit new information, materials, comments, or questions concerning this species to us at this address (Attention: Arctic grayling).

**FOR FURTHER INFORMATION CONTACT:** Mark Wilson, Field Supervisor, Montana Field Office, at the address and telephone listed above.

#### SUPPLEMENTARY INFORMATION:

#### Species Information

##### Description

The Arctic grayling (*Thymallus arcticus*) belongs to the family Salmonidae (salmon, trout, charr, whitefishes), subfamily Thymallinae (graylings), and is represented by a single genus, *Thymallus*, which contains three other recognized species in addition to *T. arcticus* (Scott and Crossman 1973, pp. 301-302; Behnke 2002, pp. 327-331). Arctic grayling have elongate, laterally compressed bodies with deeply forked tails, and adults typically average 254 to 330 millimeters (10 to 13 inches) in length. Coloration varies from silvery or iridescent blue and lavender, to dark blue (Behnke 2002, pp. 327-328). During the spawning period, the colors darken and the males become more brilliantly colored than the females. A prominent morphological feature of Arctic grayling is the sail-like dorsal fin, which is large and vividly colored with rows of orange to bright green spots, and often has an orange border. Dark spots are often evident on the body towards the head (Behnke 2002, pp. 327-328).