

addresses burden reduction. See 64 FR 32859, June 18, 1999.

The NODA contains ideas to reduce the reporting and recordkeeping paperwork burden throughout OSW's regulatory programs, including the LDR program. Currently, the LDR paperwork requirements account for nearly one-third of the burden for the RCRA program. Substantial reduction has already occurred, particularly as a result of the May 12, 1997 LDR rule. Before this rule, generators and treaters that sent their hazardous waste off-site had to send a notification with each shipment of waste informing treaters and disposers of the composition of the waste stream. This rule changed these requirements so that the notification need only be sent with the initial waste shipment, so long as the waste and the receiving facility remained unchanged. This paperwork change resulted in a savings of 1,630,000 burden hours annually.

The NODA describes a number of other possible changes to reduce the LDR burden. These changes include eliminating 268.7(a)(1) Generator Waste Determinations; eliminating 268.7(b)(6) Recycler Notifications and Certifications; eliminating 268.7(d) Hazardous Debris Notifications; eliminating 268.9(a) Characteristic Waste Determinations; and streamlining 268.9(d) Notification Procedures. See the NODA for further information on these possible changes to reduce the LDR paperwork burden.

The NODA was the first step in developing a final regulation for reducing reporting and recordkeeping burden for the RCRA program. We plan to issue a proposed rule this year to follow-up on some of the items in the NODA.

XIII. What Issues Are Not Addressed in This ANPRM?

In addition to the nine main issues described in this ANPRM, a number of other issues were brought up by participants at the 1998 LDR roundtable. Due to our own prioritization and resource constraints, we were not able to investigate these issues in depth. We are, however, interested in new comments from you on any of these issues.

1. Dilution prohibition: In the 1996 Phase III LDR rule (61 FR 15566, April 8, 1996), we promulgated a list of inorganic wastes that are not allowed to be treated by combustion because of the low presence of organics in these wastes. We may need to investigate which inorganic wastes are currently combusted, and determine whether to expand the list, if it is currently too

restrictive. Also, we may need to investigate current information available to EPA on the issue of wastes that go into fuel blending and the issue of waste code carry-through.

2. Generator Knowledge: We could investigate whether there is too much or too little reliance on generator knowledge to determine which underlying hazardous constituents in characteristic wastes need to be treated.

3. Plain Language: We could simplify the LDRs by rewriting them in plain language.

4. Refractory Bricks: We could evaluate whether refractory bricks from incinerators should still be subject to treatment standards based on listed waste codes.

5. Generator Guidance: We could clarify through guidance how generators can more easily determine when LDRs apply and which treatment standards are applicable.

XIV. Administrative Requirements

A. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the APA or any 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. This ANPRM will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act: Pursuant to the provision at 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities. However, there is the potential for future actions related to this ANPRM to have a significant economic impact on a substantial number of small entities. Therefore, the Agency will examine whether the Regulatory Flexibility Act applies in the preparation of any future rulemakings related to this ANPRM.

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866; and (2) concerns an

environmental health or safety risk that EPA has reason to believe may have 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 ANPRM is not subject to E.O. 13045 because it does not, at this point, involve decisions intended to mitigate environmental health or safety risks. Of course, as the information in response to this ANPRM is evaluated, we will continue to examine whether E.O. 13045 applies.

List of Subjects in 40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

Dated: June 12, 2000.

Carol M. Browner,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 350, 390, 394, 395 and 398

[Docket No. FMCSA-97-2350; formerly FHWA-97-2350 and MC-96-28]

RIN 2126-AA23

Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: The FMCSA is extending this rulemaking's comment period until October 30, 2000. This is in response to numerous petitions received by the FMCSA from motor carriers, drivers and trucking associations, and several members of Congress requesting an extension of the comment period closing date. The petitioners based their requests on the time required to review the vast body of research, assess the impact of the proposed rules, and provide meaningful comments.

The FMCSA is also placing in the docket the pre-publication final report on "Effects of Sleep Schedules on Commercial Motor Vehicle Driver Performance," prepared by the Division

of Neuropsychiatry, Walter Reed Army Institute of Research.

DATES: Comments to the NPRM should be received no later than October 30, 2000. Late comments will be considered to the extent practicable.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: *For information on the proposed rule:* Mr. David Miller or Ms. Deborah Freund, Federal Motor Carrier Safety Administration, (202) 366-1790, and Mr. Charles Medalen, Office of the Chief Counsel, Federal Highway Administration, (202) 366-1354. *For information about submitting comments and data electronically:* DMS Web staff at: Mail. Dockets@tasc.dot.gov, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: On May 2, 2000 (65 FR 25540), the FMCSA published an NPRM proposing to revise

its hours-of-service (HOS) regulations to require motor carriers to provide drivers with better opportunities to obtain sleep, and thereby reduce the risk of drivers operating commercial motor vehicles (CMV) while drowsy, tired, or fatigued to reduce crashes involving these drivers. The FMCSA explained that this action is necessary because we estimate that 755 fatalities and 19,705 injuries occur each year on the nation's roads because of drowsy, tired, or fatigued CMV drivers. The proposed regulations would:

1. Revert to a 24-hour daily cycle, and a 7-day weekly cycle.

2. Adjust the work-rest requirements for various types of operations.

3. Emphasize rest. Require, for long-haul and regional drivers, a period of 10 consecutive hours off duty within each 24-hour cycle, and two hours of additional time off in each 14-hour work period within each 24-hour cycle.

4. Require weekends, or their functional equivalent, to include at a minimum a rest period that includes two consecutive periods from 11 p.m. to 7 a.m.

5. Require the use of electronic on-board recorders in CMVs used by drivers in long-haul and regional operations.

The FMCSA has received petitions from the American Trucking Associations, Commercial Vehicle Safety Alliance, Distribution and LTL Carriers Association, National Private

Truck Council and numerous motor carriers, drivers, other industry associations, and members of Congress requesting that the comment period to be extended. The petitioners voiced concerns that the lengthy proposed rule was extremely complex and that 90 days was insufficient time to review the research, assess the impact of the proposed rules on CMV operations, and provide meaningful comments. We agree that more time for in-depth analysis of the NPRM, including the numerous studies involving fatigue, driver physiology, crash data, and operating characteristics of the various CMV operations, by the affected parties, would be beneficial to the FMCSA in this rulemaking. For the reasons above, the FMCSA finds good cause to extend this NPRM comment period closing date for 90 days.

The FMCSA is also placing in the docket the pre-publication final report on "Effects of Sleep Schedules on Commercial Motor Vehicle Driver Performance," prepared by the Division of Neuropsychiatry, Walter Reed Army Institute of Research.

Authority: 49 U.S.C. 322 and 49 CFR 1.73.

Issued on: June 12, 2000.

Clyde J. Hart, Jr.

Acting Deputy Administrator.

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