

for the industries and classifications in which such employee is engaged.

Effective date: Oct. 1, 2003

Industry

- (a) Government Employees—\$2.77
- (b) Fish Canning and Processing—\$3.26
- (c) Petroleum Marketing—\$3.85
- (d) Shipping and Transportation:
 - (1) Classification A—\$4.09
 - (2) Classification B—\$3.92
 - (3) Classification C—\$3.88
- (e) Construction—\$3.60
- (f) Retailing, Wholesaling, and Warehousing—\$3.10
- (g) Bottling, Brewing, and Dairy Products—\$3.19
- (h) Printing—\$3.50
- (i) Publishing—\$3.63
- (j) Finance and Insurance—\$3.99
- (k) Ship Maintenance—\$3.34
- (l) Hotel—\$2.86
- (m) Tour and Travel Services—\$3.31
- (n) Private Hospitals and Educational Institutions—\$3.33
- (o) Garment Manufacturing—\$2.68
- (p) Miscellaneous Activities—\$2.57

■ 3. Section 697.4 is revised to read as follows:

§697.4 Effective dates.

The wage rates specified in § 697.2 are effective on October 1, 2003.

Signed at Washington, DC, this 1st day of August 2003.

Tammy D. McCutchen,

Administrator, Wage and Hour Division.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-7541-7]

Hazardous Waste Management System; Exclusion for Identifying and Listing Hazardous Waste and a Determination of Equivalent Treatment; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting two petitions submitted by the University of California—E.O. Lawrence Berkeley National Laboratory (LBNL). First, EPA is granting the petition to exclude (or “delist”) its F002, F003, and F005 mixed waste. Second, EPA is granting LBNL’s petition which is for a determination of equivalent treatment (DET) for the catalytic chemical oxidation (CCO) technology that LBNL used to treat its original mixed waste.

After careful analysis EPA has concluded that the petitioned waste is no longer hazardous waste and that the CCO treatment is equivalent to combustion. This exclusion applies to approximately 200 U.S. gallons of residues from treatment of low-level mixed waste from the National Tritium Labeling Facility (NTLF), a research facility located within LBNL. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) provided the petitioner meets the delisting conditions which require that the residue be disposed at an authorized low-level radioactive waste facility.

EFFECTIVE DATE: August 7, 2003.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency Region 9 RCRA Records Center, 75 Hawthorne Street, San Francisco, CA 94105, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. The docket contains the petition, all information submitted by the petitioner, and all information used by EPA to evaluate the petition. Call the EPA Region 9 RCRA Records Center at (415) 947-4596 for appointments. The public may copy material from the regulatory docket at \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800-424-9346. For technical information on specific aspects of these petitions, contact Cheryl Nelson at the address above or at 415-972-3291, e-mail address: nelson.cheryl@epa.gov.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

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 - A. What Rule Is EPA Finalizing?
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 - C. What Are the Limits of This Exclusion?
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 - A. What Is a Delisting Petition?
 - B. What Regulations Allow Facilities To Delist a Waste?
 - C. What Information Must the Generator Supply for a Delisting Petition?
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- III. EPA’s Evaluation of the Waste Information and Data

- A. What Waste Did LBNL Petition EPA To Delist?
- B. How Did LBNL Sample and Analyze the Waste in the Petitions?
- IV. Public Comments Received on the Proposed Rule
 - A. Who Submitted Comments on the Proposed Rule?
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I. Overview Information

A. What Rule Is EPA Finalizing?

After evaluating the petitions, EPA proposed, on July 31, 2002, to exclude the Lawrence Berkeley National Laboratory (LBNL) waste from the lists of hazardous waste under 40 CFR 261.31 and 261.32, and to grant the Demonstration of Equivalent Treatment (DET) for LBNL’s Catalytic Chemical Oxidation (CCO) technology used to perform the treatment of the original mixed waste. Mixed waste is defined as waste that contains hazardous waste subject to the requirements of RCRA and source, special nuclear, or by-product material subject to the requirements of the Atomic Energy Act (AEA). See 42 U.S.C. 6903 (41), added by the Federal Facility Compliance Act of 1992. LBNL’s petitioned waste contains tritium, a radioactive hydrogen isotope (^3H) manufactured for use as a tracer in biomedical research.

The EPA is finalizing:

- (1) The decision to grant LBNL’s petition to have its F002, F003, and F005 mixed waste excluded from the definition of a hazardous waste, subject to certain conditions; and
- (2) the decision to grant LBNL’s petition for a determination that the CCO technology used to perform the treatment of the original mixed waste is equivalent to combustion as defined in EPA’s Land Disposal Restriction (LDR) Program for treatment of high-total organic carbon (TOC) subcategory D001 ignitable wastes. Because LBNL’s original mixed waste is also a D001 ignitable waste, it must be treated via a combustion technology prior to disposal to meet the LDR treatment standard.

B. Why Is EPA Approving These Petitions?

LBNL’s delisting petition requests a delisting for approximately 200 U.S. gallons of residues from treatment of low-level mixed waste. The petitioned wastes met the definition of listed F002, F003, and F005 RCRA hazardous wastes because they were derived from treatment of mixed wastes that are listed for these waste codes. LBNL does not believe the petitioned waste meets the