

US EPA ARCHIVE DOCUMENT

624.846 Pieces Per Sack

Sacks containing fewer than 125 pieces and less than 15 pounds of pieces may be prepared to a carrier route when a walk-sequence discount is claimed for contents and the applicable density requirements of 624.843 or 624.844 are met.

* * *

624.88 Documentation

624.881 General

Mailers who prepare mailings for which a walk-sequence discount is claimed must provide documentation in accordance with 624.882 through 624.885 to substantiate compliance with the applicable eligibility requirements for the walk-sequence discount. The required documentation required by 624.882 through 624.884 must be submitted with each mailing at the time of mailing.

[Existing 624.882-624.884 is renumbered as 624.883-624.885, and revised to read as follows:]

624.882 Density—125-Piece Walk-Sequence Discount

For each carrier route receiving pieces for which the 125-piece walk-sequence discount is claimed, the mailer must provide documentation to indicate the total number of delivery stops to which mailpieces in the mailing are addressed.

624.883 Density Requirement—Saturation Walk-Sequence Discount

a. Mailers must be able to document compliance with 624.844 for each carrier route receiving mail for which the saturation walk-sequence discount is claimed. (The term "carrier route" is explained in 624.811.) This documentation must show either the total number of active possible residential deliveries and the number and percentage to which mailpieces in the mailing are addressed, or the total number of active possible deliveries and the number and percentage to which mailpieces in the mailing are addressed, depending on whether qualification is based on the 90% or 75% criterion, respectively. The documentation must be listed by 5-digit ZIP Code and, within each, by carrier route (see Exhibit 624.883).

b. [Text of existing 624.882b.] [Exhibit 624.882 is redesignated as Exhibit 624.883.]

624.884 Combination Rate Mailings

a. Both Walk-Sequence Discounts. If a mailing contains pieces for which the 125-piece walk-sequence discount is claimed and other pieces for which the saturation walk-sequence discount is

claimed, the documentation required by 624.882 and 624.883 can be combined. Entries for pieces for which the 125-piece walk-sequence discount is claimed must be annotated on the documentation. For the entire mailing, a summary of the total number of pieces for which each walk-sequence discount is claimed must be provided.

b. Carrier Route Presort Rate. [The first sentence of current 624.883 is replaced with the following:] If a mailing contains pieces for which a walk-sequence discount is claimed and other pieces for which the carrier route presort rate is claimed, in addition to the documentation required for the walk-sequence discount mail (by 624.882, 624.883, and 624.884a, if applicable), the documentation for the carrier route presort rate mail must show the total number of addressed pieces for each carrier route that qualifies for the carrier route presort rate and the number qualifying for the walk-sequence discount. (The term "carrier route" is explained in 624.811.)

624.885 Documentation of Accurate Sequencing or Delivery Statistics

[Text of existing 624.884.]

Stanley F. Mires,
Assistant General Counsel, Legislative
Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 4103-4]

40 CFR Parts 264 and 265

Wood Preserving; Standards and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Administrative stay.

SUMMARY: The Environmental Protection Agency is today announcing an administrative stay of the requirements for drip pad coatings, sealers, or covers for existing drip pads at wood preserving plants. The effect of the stay is to extend the effective date of coating, sealer, or cover requirements for existing drip pads until October 30, 1992.

EFFECTIVE DATE: February 6, 1992.

ADDRESSES: The official record for this administrative stay is identified as Docket Number F-92-DPAS-FFFFF and is located in the EPA RCRA Docket,

room M2427, 401 M Street, SW., Washington, DC 20460. The public must make an appointment in order to review docket materials by calling (202) 260-9327. The docket is available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. The public may copy material from any regulatory docket at a cost of \$0.15 per page.

FOR FURTHER INFORMATION CONTACT:

For general information contact the RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information concerning this notice, contact David J. Carver, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-6775.

SUPPLEMENTARY INFORMATION: The contents of today's notice are listed in the following outline:

- I. Background
- II. Appropriate Effective Date For Drip Pad Surface Standards
- III. Agency Action
- IV. Effects On State Authorization
- V. Paperwork Reduction Act

I. Background

On December 6, 1990, EPA promulgated regulations listing as hazardous various wastes generated from wood preserving processes that use chlorophenolic, creosote, and/or inorganic (arsenical and chromium) preservatives (55 FR 50450 (Dec. 6, 1990), adding hazardous wastes F032, F034, and F035 to the lists of hazardous wastes in 40 CFR 261.31).

In addition, and of particular relevance for the present notice, the Agency promulgated standards for drip pads, a new type of waste management unit (55 FR 50484-89, adding a new subpart W to parts 264 and 265 of the regulations). Drip pads receive drippage from treated wood immediately after the wood is removed from the treatment vessel. The standards vary somewhat for new and existing drip pads.

Because the December 6, 1990 rule was promulgated partially pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) and partially pursuant to preexisting authorities, the requirements take effect at different times in different states. As a HSWA rule, the F032 listing of various residues from wood preserving processes using, or that previously used, chlorophenolic formulations took effect on June 6, 1991 in authorized and unauthorized States (55 FR 59469-70 and RCRA section 3001 (e)). Drip pads used in connection with F032 wastes were likewise subject to the subpart W standards on June 6, 1991 in all States

(*Id.* at 50470). The F034 and F035 listings and related management standards do not take effect immediately in authorized states since they were not adopted pursuant to HSWA (*Id.*).

On June 13, 1991, the Agency published a conditional administrative stay of the F032, F034, and F035 listings in the *Federal Register* (see 56 FR at 27332). Elements of the final rule which are subject to that stay are the following:

- Effective Date of June 6, 1991 in the rule;
- F032, F034, and F035 listing in the process area until a new effective date is established;
- Requirement for impermeably sealed or coated surfaces for new drip pads until further administrative action is taken;
- Applicability of F032 to previous users of pentachlorophenol provided that they are regulated as F034 or F035 until further administrative action is taken;
- Applicability of F032, F034, and F035 wastewaters that do not contact listed process wastes until further administrative action is taken.

With regard to the June 13, 1991 stay, the *Federal Register* (56 FR 27333) stated that a facility must adhere to the following conditions in order to comply with the stay:

- (1) By August 6, 1991, a facility must notify proper authorities of its intent to either install or upgrade a drip pad, or cease operations by August 6, 1991. If a facility intends to cease operations, then it is required to do so by August 7, 1991.
- (2) By November 6, 1991, a facility must provide evidence of *bona fide* efforts to comply with its earlier stated intent;
- (3) Complete any upgrades to existing pads by February 6, 1992; and
- (4) Complete installation of new pads by May 6, 1992.

Subsequently, the Agency published a notice in the *Federal Register* on December 5, 1991, that proposed to modify, among other items, the standards for existing drip pad coatings, sealers, or covers (see 56 FR at 63851).

II. Appropriate Effective Date for Drip Pad Surface Standards

The only issue addressed in the present notice concerns the appropriate effective date for drip pad coating, sealer, or cover standards for existing drip pads. Because the Agency does not anticipate promulgating final modified standards for existing drip pad coatings, sealer, or covers before the February 6, 1992 deadline for compliance with the existing drip pad standards, the Agency believes that it is not practicable to

maintain the previous requirement that existing drip pads have impermeable surfaces.

The Agency recognized in the December 5, 1991, proposed rulemaking that the requirements for "impermeable" surfaces for drip pads were impracticable and proposed at that time to modify those standards (see 56 at 63851). The February 6, 1992, deadline for compliance with existing drip pad standards would, therefore, require compliance with impracticable surface coating, sealer, or cover standards prior to final Agency action on the December 5, 1991 proposed rule.

III. Agency Action

A. EPA has determined to issue an administrative stay of the "impermeability" requirement for drip pad surfaces (§ 264.573(a)(4) and § 265.443(a)(4)) until October 30, 1992. The requirements that drip pads be installed and their surfaces be maintained crack-free are not changed by this stay. Thus, substantial containment of drippage from treated wood will continue.

B. EPA is issuing this administrative stay pursuant to 5 U.S.C. 705 which provides that an agency may postpone the effective date of action taken by it when justice so requires, pending judicial review.¹ Today's action is particularly appropriate in light of the proposed amendments to these specific drip pad standards in the pending December 5, 1991 proposed rule. The Agency consequently finds that issuing this stay is in the interests of justice.²

IV. Effects on State Authorization

The effects of this administrative stay depend largely on whether the facility is managing a wood preserving waste identified by a HSWA-based listing (i.e., the F032 wastes), as opposed to the newly listed wastes (F034 and F035) for which the listing determinations were based on pre-HSWA authority.

As explained earlier, EPA considers that both the F032 listing and the new subpart W drip pad standards (when applied to the management of F032 wastes) are based on HSWA authority. As EPA explained in the December 6,

1990 notice (see 55 FR 50469), the HSWA-based F032 listing and related subpart W facility standards take effect simultaneously in all States, regardless of their authorization status. With respect to these HSWA-based requirements, the effect of this administrative stay is to defer in all States EPA's implementation and enforcement of the impermeability requirement for existing drip pads beyond October 30, 1992. However, the listings and other subpart W requirements will be in effect for existing pads on February 6, 1992 and new drip pad requirements will be in effect on May 6, 1992. According to the schedule for state program revisions contained in 40 CFR 271.21(e), the December 6, 1990 Wood Preserving Rule is subject to a July 1, 1992 deadline (July 1, 1993 if a statutory change is required) for States to modify their hazardous waste programs and thereafter seek approval from EPA for the program revision. Since this administrative stay would not extend any effective date beyond October 30, 1992, EPA considers it unlikely that any State will have received approval from EPA to implement the December 6, 1990 regulation under RCRA authority with earlier or more stringent effective dates than those set out in this stay or in previous actions. Nevertheless, States may modify their hazardous waste programs to adopt the Wood Preserving Rule in the interim. While EPA encourages States to follow the deferred effective date announced in this stay, states may elect to implement the Rule with effective dates earlier than that imposed under this stay, as a matter of State law.

In the case of facilities managing F034 and F035 wastes, the effect of the stay depends on whether the facility is located in an authorized or unauthorized State. The F034 and F035 listing determinations were promulgated pursuant to pre-HSWA authority, and EPA considers the subpart W drip pad standards that govern the management of F034 and F035 wood preserving wastes to also be based on pre-HSWA authority. According to the December 6, 1990 Rule notice, these waste listings and facility standards would have been effective on June 6, 1991 only in those states that are not authorized for any part of RCRA. EPA implements the RCRA program in unauthorized States, and the effect of this stay will be to defer EPA's implementation and enforcement of the impermeability requirement for existing drip pads at facilities managing F034 or F035 wastes until October 30, 1992.

¹ The American Wood Preservers Institute (AWPI) has filed a petition for review of the December 6 rule.

² Although the Agency does not regard today's action as a rule, were it to be viewed as a rule the Agency believes that there is good cause for issuing it without prior notice and opportunity for comment and for making it immediately effective. This is borne out by the pending compliance date, the pending proposal to amend the impermeability requirement for existing drip pads, and the infeasibility of compliance for a substantial number of facilities.

In authorized States, the pre-HSWA basis for the F034 and F035 listings (and related subpart W drip ad standards) means that these requirements cannot be implemented as RCRA requirements until the State has adopted the necessary program modifications and obtained approval for the necessary program modifications and obtained approval for the revisions from EPA. The modification schedule in 40 CFR 271.20(e) requires that States modify their programs by July 1, 1992 (July 1, 1993 if a statutory change is required) to adopt this regulation and thereafter seek approval of the revisions from EPA. Since the stay does not extend any effective date beyond October 30, 1992, it is unlikely that States will become authorized for the F034 and F035 listings and facility standards before the deferred effective date in this stay have passed. However, facilities in both authorized states and unauthorized states should understand that states may adopt and implement wood preserving regulations as a matter of state law, prior to obtaining EPA approval. While EPA strongly encourages States to follow the deferred effective dates announced in this stay, States may elect to adopt wood preserving waste regulations with more stringent (e.g., earlier) effective dates than those announced in this administrative stay.

V. Paperwork Reduction Act

There are no information collection requirements associated with this action.

List of Subjects in 40 CFR parts 264 and 265

Hazardous waste, Packaging and Containers, and Reporting and recordkeeping requirements.

Dated: February 6, 1992.

Henry F. Habicht II,
Acting Administrator.

For the reasons set out in the preamble title 40 of the Code of Federal Regulations is amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.573 is amended by

revising paragraph (a)(4) to read as follows:

§ 264.573 Design and operating requirements.

(a) * * *

(4) Be impermeable, e.g., concrete pads must be sealed, coated, or covered with an impermeable material such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system.

Note: The requirement that existing drip pads be impermeable, e.g., that drip pads be sealed, coated, or covered, with an impermeable material is administratively stayed. The stay will remain in effect until October 30, 1992.

* * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925 and 6935.

4. Section 265.443 is amended by revising paragraph (a)(4) to read as follows:

§ 265.443 Design and operating requirements.

(a) * * *

(4) Be impermeable, e.g., concrete pads must be sealed, coated, or covered with an impermeable material such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system.

Note: The requirement that existing drip pads be impermeable, e.g., that drip pads be sealed, coated, or covered with an impermeable material is administratively stayed. The stay will remain in effect until October 30, 1992.

Note: The requirement that new drip pads be impermeable, e.g., that new drip pads be sealed, coated, or covered with an impermeable material is administratively stayed. The stay will remain in effect until further administrative action is taken.

* * *

[FR Doc. 92-3504 Filed 2-14-92; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-128; RM-7694]

Radio Broadcasting Services; Holbrook, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 221C1 for Channel 221A at Holbrook, Arizona, and modifies the permit for Station KZUA(FM) to specify operation on the higher powered channel, as requested by Navajo Broadcasting Company, Incorporated. See 56 FR 21465, May 9, 1991. Coordinates for Channel 221C1 at Holbrook are 34-54-12 and 110-09-48. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-128, adopted February 3, 1992, and released February 11, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 221A and adding Channel 221C1 at Holbrook.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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