

**§ 411.587 [Removed]**

59. Remove § 411.587.

60. In § 411.590, revise paragraph (d) to read as follows:

**§ 411.590 What can an EN do if the EN disagrees with our decision on a payment request?**

\* \* \* \* \*

(d) Determinations or decisions we make about a beneficiary's right to benefits may cause payments we have already made to an EN (or denial of payment to an EN) to be incorrect, resulting in an underpayment or overpayment to the EN. If this happens, we will make any necessary adjustments to the payments (see § 411.555). (See § 411.555(c) for when we will not make an adjustment in a case in which an overpayment results from a determination or decision we make about a beneficiary's right to benefits.) While an EN cannot appeal our determination about an individual's right to benefits, the EN may furnish any evidence the EN has which relates to the issue(s) to be decided on appeal if the individual appeals our determination.

[FR Doc. 05-19530 Filed 9-29-05; 8:45 am]

BILLING CODE 4191-02-P

**POSTAL SERVICE**

**39 CFR Part 111**

**New Preparation Requirements for Bundles of Mail on Pallets**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service™ is seeking comments on a proposal that would affect mailers who prepare bundles of Periodicals, Standard Mail, and Package Services flat-size mail or irregular parcels on pallets. The proposal would not affect mailers who prepare sacks, unbundled parcels, or trays on pallets.

Currently, mailers who prepare bundles of flat-size mail or bundles of irregular parcels on pallets must prepare a pallet if the mailing contains 500 or more pounds of bundles for a required sortation level. ("Sortation level" refers to the distribution or separation of mail by ZIP Codes, range of ZIP Codes, or carrier route.) After all required pallets are prepared, mailers must place any remaining bundles in sacks.

Under this proposal, before placing any bundles in sacks, if there are 250 or more pounds of bundles addressed within the ZIP Code range for an area distribution center (ADC) or a bulk mail center/auxiliary service facility (BMC/

ASF), mailers must prepare the ADC pallet (for Periodicals) or the BMC/ASF pallet (for Standard Mail and Package Services). If a mailing does not contain any ADC or BMC/ASF pallets—for example, the mailer has set the presort software to stop at the sectional center facility (SCF) level—but there are 250 or more pounds for an SCF, the mailer must prepare the SCF pallet.

**DATES:** We must receive comments on or before October 31, 2005.

**ADDRESSES:** Mail or deliver comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Rm. 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments between 9 a.m. and 4 p.m., Monday through Friday, at USPS Headquarters Library, 11th Floor North, 475 L'Enfant Plaza, SW., Washington, DC 20260.

**FOR FURTHER INFORMATION CONTACT:** Julia Carroll at 202-268-2108 or *Julia.Carroll@usps.gov*.

**SUPPLEMENTARY INFORMATION:** The Postal Service™ is finding ways to process mail more efficiently, thereby improving service to our customers and reducing costs.

Bundles of flat-size mailpieces or bundles of irregular parcels prepared on pallets are easier and generally less costly for us to handle than bundles in sacks. When customers present mail in sacks, the sacks must be opened and the contents unloaded before processing on our automated sorting equipment. In addition, we have found that bundles on pallets maintain their integrity to a greater degree than bundles in sacks. This proposal would help increase the volume of mail on pallets by revising the standards for required pallet preparation.

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 705.8.5.2 provides required pallet preparation for Periodicals, Standard Mail, and Package Services mail (except specified discount rate Parcel Post). DMM 705.8.5.2a requires mailers who prepare bundles of flat-size mail or bundles of irregular parcels on pallets to prepare a pallet to a required sortation level if a mailing contains 500 or more pounds of bundles. Additional standards in DMM 705.8.9.1 require these mailers to place in sacks any bundles that cannot go on one of the required pallets.

Under this proposal, after preparing all other required pallets at the 500-pound required minimum, mailers who prepare bundles of flat-size mailpieces or bundles of irregular parcels on pallets must prepare additional pallets, under the following conditions:

- If 250 or more pounds of bundles remain for an ADC (for Periodicals) or for a BMC/ASF (for Standard Mail and Package Services), mailers must prepare the ADC or BMC/ASF pallet(s), as applicable for the class of mail.

- If there are no ADC or BMC/ASF pallets in a mailing—for example, if a mailer's presort software is set to stop at the SCF level—and 250 or more pounds remain for an SCF, mailers must prepare the SCF pallet.

We are proposing an effective date of March 1, 2006, for mailers to begin mailing under the revised standards.

In addition to the above changes, we also are removing text in 705.8.5.2 about labeling pallets and optional bundle reallocation, because we cover these topics in detail elsewhere in the DMM.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553 (b),(c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), as follows:

**700 Special Standards**

\* \* \* \* \*

*705 Advanced Preparation and Special Postage Payment Systems*

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**8.0 PREPARATION FOR PALLETS**

\* \* \* \* \*

**8.5 General Preparation**

\* \* \* \* \*

**8.5.2 Required Preparation**

[Revise 8.5.2 to require ADC, BMC/ASF, or SCF pallets at 250 pounds of bundles, as follows:]

The following standards apply to Periodicals, Standard Mail, and Package Services mail, except Parcel Post mailed at BMC Presort (8.17), OBMC Presort (8.18), DSCF (8.19, 8.20), and DDU rates (8.21).

a. Mailers must prepare a pallet to the required sortation level(s) for the class of mail when a mailing contains 500 or more pounds of bundles, sacks, or parcels or 72 linear feet or six layers of letter trays for the destination.

b. For bundles of flat-size mailpieces or bundles of irregular parcels on pallets, after all possible pallets are prepared under 8.5.2a, when 250 or more pounds of bundles remain for an ADC (Periodicals) or for a BMC/ASF (Standard Mail and Package Services), the ADC or BMC/ASF pallet must be prepared as applicable for the class of mail. Exception: If there are no ADC or BMC/ASF pallets in a mailing (e.g., if the presort software is set to stop at the SCF level) and 250 or more pounds remain for an SCF, prepare the SCF pallet.

c. If bundles remain that cannot be prepared on an ADC, BMC/ASF, or SCF pallet, place those bundles in sacks (8.9.1).

\* \* \* \* \*

If we implement this proposal, we will publish an appropriate amendment to 39 CFR to reflect these changes.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 05-19531 Filed 9-29-05; 8:45 am]

**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[R03-OAR-2005-VA-0007; FRL-7977-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the City of Fredericksburg, Spotsylvania County, and Stafford County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan; Withdrawal of Proposed Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** EPA is withdrawing the proposed rule published on September 12, 2005 which proposed approval of a redesignation request and maintenance plan submitted by the Commonwealth of Virginia for the City of Fredericksburg, Spotsylvania County, and Stafford County (the Fredericksburg area). The Fredericksburg area is currently designated nonattainment for the eight-hour ozone national ambient air quality standard (NAAQS). It is EPA's intent to publish a proposed rule in the near future which will re-propose

approval of the redesignation of the Fredericksburg area and the associated maintenance plan, and provide an expanded discussion as to why the redesignation request for this area is approvable under the Clean Air Act.

**DATES:** The September 12, 2005 proposed rule published at 70 FR 53746 is withdrawn as of September 30, 2005.

**FOR FURTHER INFORMATION CONTACT:** Amy Caprio, (215) 814-2156, or by e-mail at [caprio.amy@epa.gov](mailto:caprio.amy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 23, 2005.

**Thomas Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 05-19616 Filed 9-29-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7977-3]

#### Montana: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to grant Final authorization to the hazardous waste program changes submitted by Montana. In the "Rules" section of this **Federal Register**, we are authorizing the State's program changes as an immediate final rule without a prior proposed rule because we believe this action is not controversial. Unless we get written comments opposing this authorization during the comment period, the immediate final rule will become effective and the Agency will not take further action on this proposal. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

**DATES:** We must receive your comments by October 31, 2005.

**ADDRESSES:** Submit your comments by one of the following methods: 1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. 2. E-mail: [shurr.kris@epa.gov](mailto:shurr.kris@epa.gov). 3. Mail: Kris Shurr, 8P-HW, U.S. EPA, Region 8, 999 18th St., Ste. 300, Denver, Colorado 80202-2466, phone number: (303) 312-6139. 4. Hand Delivery or Courier: To Kris Shurr, 8P-HW, U.S. EPA, Region 8, 999 18th St., Ste. 300, Denver, Colorado 80202-2466, phone number: (303) 312-6139.

**Instructions:** Do not submit information that you consider to be Confidential Business Information (CBI) or information that should be otherwise protected from disclosure through [regulations.gov](http://www.regulations.gov), or e-mail. The Federal [regulations.gov](http://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 [regulations.gov](http://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.

You can view and copy Montana's application at the following addresses: MDEQ from 9 a.m. to 4 p.m., 1520 E 6th Ave., Helena, MT 59620-0901, contact: Bob Martin, phone number (406) 444-4194 and EPA Region 8, from 8 a.m. to 3 p.m., 999 18th Street, Suite 300, Denver, CO 80202-2466, contact: Kris Shurr, phone number: (303) 312-6139, e-mail: [shurr.kris@epa.gov](mailto:shurr.kris@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Kris Shurr, EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, phone number: (303) 312-6139, e-mail: [shurr.kris@epa.gov](mailto:shurr.kris@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules" section of this **Federal Register**.