

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**DATES:** The September 12, 2005 proposed rule published at 70 FR 53746 is withdrawn as of September 30, 2005.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

Dated: September 22, 2005.

**Robert E. Roberts,**

*Regional Administrator, Region 8.*

[FR Doc. 05-19617 Filed 9-29-05; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7977-7]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the Batavia Landfill Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 2 office is issuing this notice of intent to delete the Batavia Landfill Superfund Site (Site), located in the Town of Batavia, Genesee County, New York from the National Priorities List (NPL) and requests public comment on this action. The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA and the State of New York, through the Department of Environmental Conservation (NYSDEC), have determined that potentially responsible parties have implemented all appropriate response actions, other than operation and maintenance and five-year reviews. Moreover, EPA and NYSDEC have determined that the Site poses no significant threat to public health or the environment. In the "Rules and Regulations" Section of today's **Federal Register**, EPA is publishing a direct final notice of deletion for the Batavia Landfill Superfund Site without prior notice of this action because EPA views this as a noncontroversial revision and anticipates no significant adverse comment. EPA has explained its reasons for this action in the preamble to the direct final deletion. If EPA receives no significant adverse comment(s) on this notice of intent to delete or the direct final notice of deletion or other notices it may issue, EPA will not take further action on this notice of intent to delete. If EPA receives significant adverse comment(s), it will withdraw the direct final notice of deletion and it will not take effect. EPA will, as appropriate, address all

public comments. If, after evaluating public comments, EPA decides to proceed with deletion, it will do so in a subsequent final deletion notice based on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

**DATES:** Comments concerning this Site must be received by October 31, 2005.

**ADDRESSES:** Written comments should be addressed to: Michael Walters, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, New York 10007-1866.

**FOR FURTHER INFORMATION CONTACT:** Michael Walters at the address provided above, or by telephone at (212) 637-4279, by fax at (212) 637-4284 or by e-mail at [Walters.Michael@EPA.GOV](mailto:Walters.Michael@EPA.GOV).

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: September 21, 2005.

**Alan J. Steinberg,**

*Regional Administrator, U.S. EPA, Region II.*

[FR Doc. 05-19614 Filed 9-29-05; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7976-9]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to partially delete the Jacobs Smelter Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 is issuing a notice of intent to partially delete the Jacobs Smelter Superfund Site, located in Tooele County, Utah, from the National Priorities List (NPL) and requests public comments on this notice of intent. Specifically, EPA intends to delete Operable Unit 3 from the site, comprised only of soils within the Union Pacific Rail Road (UPRR) right-of-way. The NPL constitutes appendix B to

the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended. The EPA and the state of Utah, through the Utah Department of Environmental Quality (UDEQ), have determined that all appropriate response actions under CERCLA have been completed for the properties subject to the partial deletion. However, this partial deletion does not preclude future actions under Superfund.

In the "Rules and Regulations" section of today's **Federal Register**, we are publishing a direct final notice of partial deletion of the Jacobs Smelter Superfund Site without prior notice of intent to partially delete because we view this as a non-controversial revision and anticipate no adverse comment. We have explained our reasons for this partial deletion in the preamble to the direct final partial deletion. If we receive no adverse comment(s) on this notice of intent to partially delete or the direct final notice of partial deletion, we will not take further action on this notice of intent to partially delete. If we receive adverse comment(s), we will withdraw the direct final notice of partial deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final partial deletion notice based on this notice of intent to partially delete. We will not institute a second comment period on this notice of intent to partially delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of partial deletion that is located in the "Rules and Regulations" section of this **Federal Register**.

**DATES:** Comments concerning this notice must be received by October 31, 2005.

**ADDRESSES:** Written comments should be addressed to: Jennifer Lane, Community Involvement Coordinator (80C), U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6813 or 1-800-227-8917, ext. 6813 (Region 8 only). E-mail: [lane.jennifer@epa.gov](mailto:lane.jennifer@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Lisa Lloyd, Remedial Project Manager (8EPR-SR), U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6537 or 1-800-227-8917, ext. 6537 (Region 8 only).

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final Notice of Partial Deletion, which