

Nectarines have apparently originated from peaches by mutation. The main difference between peaches and nectarines is that peaches are covered by a soft down, while nectarines have a smooth plumlike peel. Data indicate that under identical treatment, peaches may have higher residue levels than nectarines, possibly because of the pubescent skin; but in no case would applications of pesticides to nectarines be expected to result in higher residues than those already established for peaches.

The Agency concurs with IR-4 on the proposed revision of 40 CFR 180.1(h) to add to the general category "peaches" to column A and the corresponding specific raw agricultural commodities "peaches, nectarines" to column B. This revision will expand the tolerances and exemptions established for residues of pesticide chemicals in or on the general category "peaches" to include nectarines. Based on the information considered by the Agency, it is concluded that the regulation established by amending 40 CFR Part 180 will protect the public health. Therefore, it is proposed that 40 CFR 180.1(h) be amended as set forth below.

Interested persons are invited to submit written comments on the proposed amendment. Comments must bear a notation indicating the document control number [OPP 300167]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 15, 1987.
Edwin F. Tinsworth,
Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1(h) is amended by alphabetically inserting "peaches" in column A and adding the specific raw agricultural commodities "peaches, nectarines" in the corresponding column B, to read as follows:

§ 180.1 Definitions and interpretations.

(h) * * *	
A	B
Peaches	Peaches, nectarines.

* * * * *
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40 CFR Parts 264 and 265

[FRL-3222-5]

Hazardous Waste Management System; Containerized Hazardous Liquids Requirements

AGENCY: U.S. Environmental Protection Agency.

ACTION: Availability of supplemental information and request for comments.

SUMMARY: On December 24, 1986, the Agency published a proposal under authority of the Hazardous and Solid Waste Amendments of 1984 and the Resource Conservation and Recovery Act (RCRA) to regulate the disposal of containerized hazardous liquids in hazardous waste landfills. The proposal required that if containerized hazardous liquids or free liquids are mixed with an absorbent, the absorbent material must not be biodegradable and the waste/absorbent mixture must not release liquids when compressed under pressure experienced in a landfill. The Agency has evaluated most of the new information presented in comments in response to the December proposal and is today requesting comments on alternatives to specific parts of the December proposal. The specific

alternatives include new criteria for defining biodegradable absorbents, new regulatory language for absorbent pillows, and new regulatory language that clarifies that absorbents are not the sole allowable form of treatment.

DATE: Comments must be submitted on or before July 24, 1987.

ADDRESS: Comments should be addressed to the Docket Clerk at the following address: EPA RCRA Docket (S-212) (WH-562), 401 M St., SW., Washington, DC 20460. One original and two copies should be sent and identified by regulatory docket reference number #F-87-CLLN FFFFF. The Docket is open from 9:30 a.m. to 3:30 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials and should call Mia Zmud at (202) 475-9327 for appointments. The public may copy, at no cost, a maximum of 50 pages of material from any one regulatory docket. Additional copies are \$0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline, at (800) 424-9346 (toll-free) or (202) 382-3000. For technical information, contact Paul F. Cassidy, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 382-4654.

SUPPLEMENTARY INFORMATION: Section 3004(c)(2) of the Hazardous and Solid Waste Amendments (HSWA) requires that the Agency "promulgate final regulations which minimize the disposal of containerized liquid hazardous waste in landfills, and minimize the presence of free liquids in containerized hazardous waste to be disposed of in landfills." The statute also directs EPA to ensure that these regulations specifically prohibit the disposal in landfills of liquids that have been absorbed in materials that either biodegrade or release liquids when compressed, as might occur in a landfill.

This notice addresses those areas of the December proposal that received a significant comment, thereby prompting the Agency to further evaluate its proposed rule. Herein, the Agency discusses and seeks comments on the following areas of the December proposal that appear to need changes and further clarification:

- (1) The criterion for defining biodegradable absorbents;
- (2) The use of pozzolanic materials to treat containerized liquids;
- (3) The use of absorbent pillows for spill control; and,
- (4) The development of the Liquid Released Test (LRT).

First, in the December 24, 1986, proposed rule (51 FR 46824), the Agency classified a material as biodegradable if its total organic carbon was greater than 1 percent (%). A material with a total organic carbon content greater than 1% would be prohibited from being used as an absorbent material for containerized hazardous liquids. The Agency recommended that the modified Mebius procedure be used to calculate the total organic carbon content (TOC) of absorbent materials. Second, the Agency specifically requested comment on how the proposed TOC criterion for biodegradation should be applied to the treatment of organic polymers and pozzolanic materials.

Third, the proposal specifically requested comments on prepackaged accumulations of absorbents known as absorbent pillows. The Agency was interested in knowing whether the Liquids Release Test was the appropriate test method to determine if absorbent pillows released liquid when compressed. The Agency also requested information on how to take representative samples from an absorbent pillow for use in the LRT.

Finally, the proposal stated that the LRT (Method 9096) must be used to determine if a waste/biodegradable absorbent mixture released liquids when the mixture was compressed. The LRT was to be conducted for 30 minutes in an apparatus known as the Zero-Headspace Extractor (ZHE); a waste/non-biodegradable absorbent mixture failed the test (i.e., released liquids) if a wet spot was detected on the filter paper.

The December 1986 proposed rule for §§ 264.314 and 265.314 states that containers holding free liquids must not be placed in a landfill unless the containerized liquids or free liquids have been solidified by the use of a non-biodegradable absorbent material. This proposed language was read by commenters to be limiting and will be discussed below.

Discussion

With respect to the criterion for biodegradability, commenters objected to the proposed use of a value of 1% TOC to determine which absorbent materials were considered biodegradable. Commenters believed that the 1% limit would exclude highly effective polymer absorbents from being used to treat containerized hazardous liquids because of their high organic carbon content. Commenters also stated that some pozzolanic materials would be considered biodegradable because the recommended modified Mebius

testing procedure measures elemental as well as organic carbon.

As a result of these comments and further analysis, the Agency now believes that a different criterion should be used to determine if an organic polymer is biodegradable. The Agency proposes to determine this alternative criterion by using tests which involve incubating the absorbent materials with prepared stock cultures of various microorganisms under ideal conditions for their growth. This incubation demonstrates the fungal resistance of polymers and is used in the American Society for the Testing of Materials laboratory test ASTM Method G21-70 (ASTM 1984a), which replaces ASTM Method D1924-53. A similar test that uses bacteria instead of fungi is ASTM Method G22-76 (ASTM 1984b). The non-biodegradable criterion for both of these tests would be a visible determination of no indication of culture growth.

The Nuclear Regulatory Commission requires the use of these ASTM tests on radioactive wastes to prove their resistance to biodegradation. Radioactive wastes must demonstrate structural stability that will enable the waste to maintain its physical dimensions and form under expected disposal conditions that include microbial activity. The Agency requests comments on this new method for defining a material as biodegradable, specifically focusing on the question of whether it should be used for all absorbents or only polymeric absorbents.

With respect to the use of pozzolanic materials, the regulatory language of the December proposal stated that containers holding free liquids must not be placed in a landfill unless the containerized liquids or free liquids have been solidified by the use of a non-biodegradable absorbent material. Comments interpreted this language to mean that the use of pozzolanic materials was not allowed. The Agency had intended the proposal language to be very specific but not limiting and, in response to comments received, is considering clarifying that treatment other than by the addition of an absorbent is also allowed. Such treatment may include the use of pozzolanic materials, which are used when a waste is to be solidified or stabilized. The Agency specifically requests comments on this clarification.

The new language may state that containers holding free liquids should not be placed in a landfill unless the containerized liquids or free liquids have been mixed with an absorbent or solidified. The use of the term

"solidified" is intended to apply to a chemical reaction, chemical treatment, a stabilization process, or the use of pozzolanic materials. If a containerized liquid or free liquid is solidified by the landfill owner or operator, this material is considered to have been treated and a treatment permit is required. This requirement for a treatment permit is not new (see § 270.1(c)). An exemption (§ 270.1(c)(2)(vii)) exists for owners or operators adding an absorbent to a containerized liquid; however, this exemption does not apply if the owner or operator is "solidifying" a containerized liquid.

Concerning the use of the modified Mebius test for absorbents, most commenters argued that the Mebius test was not appropriate for pozzolanic materials or polymeric absorbents. Comments also stated that the Mebius test reports purge elemental carbon along with total organic carbon. No comments were received concerning the appropriateness of the Mebius test for clay or soil-like absorbents. In this regard, the agency would like commenters to address the following five questions: (1) Is the Mebius test appropriate for use with soil-like materials (e.g., clays, zeolites, etc.) that are used as absorbents? (2) Should the Agency instead rely on general engineering judgment, rather than a specific test, to determine whether soil-like materials are biodegradable? For example, biologically synthesized carbon-based absorbents such as wood fiber or corn cobs would be considered biodegradable, whereas absorbents derived from secondary minerals such as clay and zeolites, of which most common aggregate sorbents are composed, have silicon-aluminum structures with no carbon present and would, therefore, be considered non-biodegradable. (3) If the Mebius test is to be used for soil-like absorbents, should the test be used in conjunction with general knowledge of the structure of the absorbent? Under this approach, if the Mebius test were to have a 3% TOC result but the manufacturer of the absorbent or the owner or operator of the landfill could demonstrate that most or all of the TOC was elemental carbon, then the absorbent would probably be considered non-biodegradable. (4) Are the ASTM tests previously discussed for microbial activity appropriate for all absorbents? (5) Should the Mebius test be replaced altogether by these ASTM tests?

In addition, the agency specifically requests comments on whether the 1% TOC level is appropriate as a definition of biodegradability when coupled with

general knowledge of the structure of the absorbent. Should the 1% TOC level be raised for clay absorbents, and if so, to what level? The agency is also interested in gaining information on absorbents that are described in trade literature as non-biodegradable; how is this claim determined and by what criteria?

In response to comments received on absorbent pillows, the Agency is considering creating a specific set of requirements to address the use and disposal of absorbent pillows. When the term "absorbent pillow" is used, the Agency is referring to absorbent booms, socks, wipes, and rags. Commenters noted that absorbent pillows are used for emergency spill responses, particularly by EPA (Superfund), Coast Guard, and others that respond to spills. If the disposal of such pillows were regulated as proposed in December, the use of these pillows to clean-up spills would be severely restricted, according to commenters.

Consequently, the Agency would like to regulate the disposal of absorbent pillows in a manner similar to lab packs (§§ 264.316 and 265.316). The new regulatory language would apply to containers containing *only* absorbent pillows. The new regulatory language would be a limited exemption for absorbent pillows used in spill responses because the Agency does not want to prevent the use of efficient spill control measures. Under the proposed exemption, generators with drums partially or totally filled with liquid would not be permitted to add absorbent pillows to solidify the liquids or to fill the drums. (The Agency believes that this would not be done often since the cost for this type of practice would be high.) This exemption would apply only absorbent pillows used to control spills or to wipe up or control leaks in a chemical plant.

The new regulatory language would require that the absorbent pillow material meet the specified non-biodegradability criterion. The regulatory language could also specify that the absorbent pillows be placed in an open-head DOT-specification metal shipping container of no more than 110 gallons. Incompatible wastes would not be allowed to be placed in the same container.

The final requirement would specify that when the *used* absorbent pillows are placed in the container, the bottom of the container should contain an extra quantity of *unused* non-biodegradable absorbent material. This extra quantity should be of a sufficient amount to absorb any release from the used absorbent pillows due to settlement

during handling and disposal operations. The Agency is specifically interested in whether a numerical amount (e.g., the bottom quarter of the container) of non-biodegradable absorbent should be specified or whether a performance standard (i.e., able to absorb any release) would be sufficient. This new regulatory requirement would replace the one proposed in December 1986 that would have required a representative sample of an absorbent pillow to be taken and then subjected to the Liquids Release Test. Many commenters noted the difficulty of taking a representative sample from an absorbent pillow and then using the Liquid Release Test to measure its structural stability, prompting the Agency to consider this new approach. The Agency specifically requests comments on this new concept towards regulating absorbent pillows.

Finally, with respect to using the LTR, the Agency has evaluated most of the comments received on the LTR and the ZHE, which were generally unfavorable. Comments on the LTR addressed the specific issues of: time limit, cost, complexity of apparatus, and difficulty of clean-up. The Agency has begun additional research on the LTR to address these comments. The following topics are being investigated: the use of a specific sample height vs. specifying a weight or volume; the use of colored filter paper to make detection of a wet spot easier; and the use of a metal screen or teflon mesh to prevent clogging of the teflon disk. The time limit (previously proposed to be 30 minutes) is also being investigated, with the hope of reducing the length of time that the test must be run. A shorter time period will alleviate commenters' concerns over truckloads of containers backing up at the receiving dock of the disposal facility due to long test times. When the Agency develops a satisfactory test and methodology, it will undertake a collaborative study that will allow different pieces of apparatus to be tested. If the results for a certain apparatus are equivalent to the Agency design and methodology, this piece of apparatus will also be allowed to be used. The Agency is requesting comments on these specific issues concerning the LTR.

Herein, the Agency has highlighted those areas of the December 24, 1986, proposal that the Agency is considering changing in response to comments received. The comments received on today's notice will be reviewed and used to develop the Agency's final rule on containerized liquids.

Dated: June 16, 1987.

J.W. McGraw

Acting Assistant Administrator for Solid Waste and Emergency Response.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-60

Freedom of Information.

AGENCY: Office of Administration, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) has revised its regulations to implement the provisions of the Freedom of Information Reform Act of 1986.

DATE: Comments should be submitted in writing to the address shown below by July 24, 1987.

ADDRESS: General Services Administration (CAID), Room 3016, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Alexandra Mallus, GSA Freedom of Information Act (FOIA) Officer (202-535-7983).

SUPPLEMENTARY INFORMATION: On October 27, 1986, the President signed the Freedom of Information Reform Act of 1986 (Pub. L. 99-570). This legislation amended the FOIA to provide broader exemption protection for law enforcement information and modified the Act's fee and fee waiver provisions. GSA's regulations implementing the Freedom of Information Act are also being revised to conform with the Office of Management and Budget's final fee schedule guidelines published in the Federal Register on March 27, 1987, and fee waiver criteria established by the Department of Justice. The regulations are revised to:

- a. Update organizational references and eliminate those sections which are the responsibility of the National Archives and Records Administration;
- b. Add various definitions which are to be applied when setting the fees for records requested under the FOIA;
- c. Establish four categories of requesters and specific levels of fees for each of these categories;
- d. Allow GSA to charge a commercial-use requester for the time spent in reviewing records to determine whether they are exempt from disclosure;
- e. Increase the fees for manual searches based on the class and average