

19. In § 156.160, paragraph (c) is revised to read as follows:

**§ 156.160 Supervision by person in charge.**

\* \* \* \* \*

(c) No person shall transfer oil or hazardous material to or from a vessel unless each person in charge can visually observe the transfer operation continuously throughout the transfer and each person in charge is immediately available to the transfer personnel.

20. In § 156.170, paragraphs (c)(1)(iv) and (f)(1) are revised, paragraph (f)(2) is redesignated as (f)(3) and revised and new paragraphs (f)(2) and (h) are added to read as follows:

**§ 156.170 Equipment tests and inspections.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iv) Hoses not meeting the requirements of paragraph (c)(1)(i) of this section, may be acceptable after a static liquid pressure test is successfully completed in the presence of the COTP.

\* \* \* \* \*

(f) The frequency of the tests and inspections required by this section must be—

(1) For active facilities, annually or within 30 days of the first transfer conducted past one year from the date of the last tests and inspections;

(2) For a facility in caretaker status, within 30 days of the first transfer after the facility is removed from caretaker status; and

(3) For vessels, annually or as part of the biennial and mid-period inspections.

\* \* \* \* \*

(h) Upon the request of the owner or operator, the COTP may allow alternative methods of compliance to the testing requirements of paragraph (c) of this section if the COTP determines that the alternative methods provide an equal level of protection.

Dated: February 14, 1995.

**J.C. Card,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 261, 266 and 268**

[SW-FRL-5157-8]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Extension of Comment Period**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is extending the comment period for the proposed rule on standards for the management and use of slag residues derived from HTMR treatment of K061, K062, and F006 wastes, which appeared in the **Federal Register** on December 29, 1994 (see 59 FR 67256). This extension of the comment period is provided to allow commenters an opportunity to finalize their data gathering efforts and comments to the Agency's proposal.

**DATES:** EPA will accept public comments on this proposed decision until April 14, 1995. Comments postmarked after the close of the comment period will be stamped "late."

**ADDRESSES:** The public must send an original and two copies of their comments to EPA RCRA Docket Number F-94-SRTP-FFFFF, room 2616 (Mail Code 5305), 401 M Street SW., Washington, DC 20460. The docket is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, except on Federal holidays. Call (202) 260-9327 for appointments. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at \$0.15 per page for additional copies.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 412-9810. For technical information concerning this notice, contact Narendra Chaudhari, Office of Solid Waste (Mail Code 5304), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-4787.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On December 29, 1994, EPA proposed to conditionally allow residual materials ("slags") resulting from the high temperature metal recovery (HTMR) treatment of specified hazardous wastes (i.e., electric arc furnace dust, steel finishing spent pickle liquor, and electroplating sludges) to be used in

road construction and as an anti-skid/deicing material on road surfaces. These slags are generated by HTMR units processing hazardous wastes solely for metal recovery pursuant to § 266.100(c)—in essence, devices processing particular hazardous wastes with high recoverable metal content, minimal hazardous organic constituents, and low BTU. EPA's proposal was based on the results of a risk assessment conducted for these HTMR slags. See 59 FR 67256 for a more detailed explanation of the Agency's proposed action. Of course, until this proceeding is concluded, EPA has made no final determination that any of these slag dispositions are safe.

On January 17 and January 24, 1995, the Agency received requests from two commenters to extend the comment period. Basically, these commenters are seeking additional time to thoroughly evaluate all aspects of the risk assessment used by EPA to support the proposed rule and also to prepare written comments based on their evaluations. Among the issues raised are whether the slags' total metal concentrations are adequately characterized, and whether risk to sensitive populations was adequately considered (see RCRA docket for the proposed rule). The Agency considered these commenters' requests and has decided to extend the comment period until April 14, 1995.

One issue not discussed in EPA's proposal is whether legitimate recycling is occurring (and, accordingly, whether § 266.20 even applies to these dispositions of the slags). See 59 FR 48026 (September 19, 1994). Such a determination typically involves a case-by-case consideration, and the agency has enumerated relevant factors which ordinarily play a part in that analysis. See, e.g., 53 FR 17606 (May 17, 1988). EPA made no such determination in the proposal, and does not intend to do so in this proceeding.

The public comment period for the proposed rule was originally scheduled to end on February 13, 1995. This notice extends the comment period for the proposed rule to allow commenters an opportunity to finalize their data gathering efforts and responses to the Agency's proposed decision.

Dated: February 9, 1995.

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

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