

regulation, policy, or guidance must select the forms of participation best suited to the issues and audiences interested in that particular regulation. These can include: written comments submitted in response to notice of proposed rulemaking, policy, or guidance or an advance notice of proposed rulemaking; comment from established Federal Advisory Committee Act (FACA) groups that advise the Agency on policy issues; public briefing sessions or meetings held to elicit views on specific rules; and regulatory negotiation groups. Federal Executive Orders 12866 (Regulatory Planning and Review) and 12875 (Enhancing Intergovernmental Partnerships) as well as EPA policy require timely and meaningful intergovernmental consultation with affected states, localities and tribes. Planning for intergovernmental consultation should consider what governmental entities will be affected, how they may be affected, and what issues are likely to concern them. The lead program office is required to develop consultation plans to set out processes for public participation and intergovernmental consultation that will be followed for a rule-making.

An additional level of review for significant regulations is carried out by the Office of Management and Budget (OMB) under Executive Order 12866 to ensure that guidance, regulations, and policies are consistent with applicable law and the President's priorities. This process assures that, in deciding whether and how to regulate, agencies have assessed the costs and benefits of the various approaches to regulation when appropriate, including the alternative of not regulating (this corresponds to the "no action" alternative which would be considered in a NEPA document). As appropriate, this process also includes review of the regulation, policy or guidance by other Federal agencies to assure consistency with their policies and any planned actions and includes a process for resolution of Federal interagency disputes.

#### Public Comments

EPA seeks comment on these proposed changes to the existing Policy. To ensure full consideration, comments must be submitted within 60 days of publication of this Notice to the Contacts listed above.

Date: November 21, 1997.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

[FR Doc. 97-31251 Filed 11-26-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5928-7]

### Agency Information Collection Activities; OMB Responses

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

**ACTION:** Notice.

**SUMMARY:** This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer (202) 260-2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

#### SUPPLEMENTARY INFORMATION:

#### OMB Responses to Agency Clearance Requests

##### OMB Approvals

EPA ICR No. 1807.01; National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient; was approved 11/07/97; OMB No. 2060-0370; expires 11/30/2000.

EPA ICR No. 1056.06; NSPS for Nitric Acid Plants—Subpart G; was approved 11/14/97; OMB No. 2060-0019; expires 11/30/2000.

EPA ICR No. 1711.02; Voluntary Customer Service Satisfaction Surveys; was approved 11/12/97; OMB No. 2090-0019; expires 10/31/99.

EPA ICR No. 1824.01; State Use of EPA's Policy on Compliance Incentives for Small Businesses or Comparable State Policy on Reducing Penalties for Small Entities; was approved 11/04/97; OMB No. 2020-0011; expires 04/30/98.

##### Short Term Extensions

EPA ICR No. 1723.01; Reporting and Recordkeeping Requirements for the Importation of Nonconforming Marine Engines; expiration date was extended from 01/31/98 to 05/31/98.

##### Change in Expiration Date

EPA ICR No. 1743.01; Application for Motor Vehicle Emission Certification of Air Revisions to the Federal Test Procedure (FTP); OMB No. 2060-0332; expiration date was changed from 04/30/98 to 11/30/97.

Date: November 21, 1997.

**Joseph Retzer,**

*Division Director, Regulatory Information Division.*

[FR Doc. 97-31274 Filed 11-26-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5929-7]

### Notice of Proposed Administrative De Minimis Settlement Under Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, Regarding the Carroll & Dubies Superfund Site, Town of Deerpark, New York

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

**ACTION:** Notice of proposed administrative agreement and opportunity for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (EPA) Region II announces a proposed administrative *de minimis* settlement pursuant to section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4), relating to the Carroll & Dubies Superfund Site (the "Site"), Town of Deerpark, Orange County, New York. This Site is on the National Priorities List established pursuant to section 105(a) of CERCLA, 42 U.S.C. 9605(a). This document is being published to inform the public of the proposed settlement and of the public's opportunity to comment.

This settlement, memorialized in an Administrative Order on Consent (Order), is being entered into by EPA and the Reynolds Metals Company (Respondent), and is the second and final *de minimis* settlement between these parties for this Site. The Respondent contributed a relatively minimal amount of hazardous substances to the Site and is eligible for a *de minimis* settlement under section 122(g) of CERCLA. Under the Order, the Respondent has agreed to pay EPA \$14,154.03, toward the costs of certain past and future response actions at the Site. In exchange, Respondent will receive a covenant not to sue from EPA relating to liability for the Site under sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a).

**DATES:** EPA will accept written comments relating to the proposed settlement until December 29, 1997.

**ADDRESSES:** Comments should be addressed to Sharon E. Kivowitz, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, New York 10007-1866 and should refer to: In Re: Carroll & Dubies Superfund Site, Town of Deerpark, New York, EPA Index No. II-CERCLA-97-0211.

**FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York, 10007-1866, (212) 637-3183, Attention: Sharon E. Kivowitz.

Dated: November 18, 1997.

**William J. Muszynski,**

*Acting Regional Administrator.*

[FR Doc. 97-31269 Filed 11-26-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5929-1]

### Deminimis Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; In the Matter of Powell Road Landfill Site, Huber Heights, Ohio

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

**ACTION:** Notice; *Deminimis* settlement.

**SUMMARY:** EPA is proposing to settle claims with certain *deminimis* potentially responsible parties (PRPs) regarding past and estimated future response costs at the Powell Road Landfill Site in Huber Heights, Ohio. EPA is authorized under section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), to enter into this settlement. The U.S. Department of Justice has approved this settlement, consistent with section 122(g)(4) of CERCLA. Total response costs for the Site are approximately \$26,925,537: \$4,735,237 in past costs incurred by certain PRPs in connection with the Remedial Design for the Site and EPA oversight through December 31, 1996; and \$22,940,300 in estimated future costs, including future oversight. The estimated future costs figure was reduced by \$750,000 to account for certain PRP generators who are insolvent or defunct. The settling PRPs will pay approximately \$918,582

for response costs related to the Powell Road Site. EPA is proposing to approve this *deminimis* settlement because the monies recovered will be deposited into the Powell Road Landfill Special Account within the EPA Hazardous Substances Superfund and shall be used to finance the response action that will be implemented and conducted by the major PRPs under a Remedial Action Consent Decree for the Site.

On May 13, 1997, EPA sent the *deminimis* settlement offer and Administrative Order on Consent (Consent Order) to 182 *deminimis* PRPs (170 commercial/industrial generators and 12 transporters). The Consent Order gives substantial releases from liability under CERCLA, including the United States' covenant not to sue for past and future liability, and contribution protection from suit by other PRPs at the Site. The Consent Order provides for settlement with generator PRPs who are, individually, responsible for less than .96% of the total volume of allocable hazardous waste sent to the Site; and transporter PRPs who are, individually, responsible for less than 1.34% of the total volume of allocable hazardous waste sent to the Site. 71 of the 182 *deminimis* PRPs executed binding certifications of their consent to participate in the *deminimis* settlement.

Settling *deminimis* PRPs will be required to pay their fair share of the past and estimated future response costs at the Site, including a 75% premium assessed against the estimated future response costs to account for potential cost overruns, the potential for failure of the selected response action to clean up the Site, and other risks. The settlement payment amount for each *deminimis* PRP is based upon each *deminimis* PRP's "adjusted weighted share" of waste that it contributed to the Site, expressed as a percentage of the total volume of allocable waste contributed to the Site by all PRPs. In order to promote a fair allocation of responsibility between the different types of PRPs, EPA developed an adjusted weighted share percentage for each PRP. This figure is based upon each PRP's actual volumetric contribution of waste to the Site, adjusted to account for the evidence linking the PRP to the Site and the nature of waste contributed by the PRP, and the PRP's usage of the Powell Road Site from 1959 to 1973, the period during which no documentation exists regarding the volume of waste contributed to the Site. The settlement payment amount for each *deminimis* generator was calculated by multiplying each *deminimis* generator's adjusted weighted share percentage by the portion of total site costs, including

premium, allocated to the *deminimis* generator class (37.5% of total site costs or \$16,338,098). The settlement payment amount for each *deminimis* transporter was calculated by multiplying each *deminimis* transporter's adjusted weighted share percentage by the portion of total site costs, including premium, allocated to the *deminimis* transporter class (10% of total site costs or \$4,356,826).

**DATES:** Comments on this *deminimis* settlement must be received on or before December 29, 1997.

**ADDRESSES:** Written comments relating to this *deminimis* settlement, Docket No. V-W-97-C-401, should be sent to Constandina A. Kallos, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code: C-29A, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

**FOR FURTHER INFORMATION CONTACT:** Copies of the Administrative Order on Consent and the Administrative Record for this Site are available at the following address for review. It is strongly recommended that you telephone Mike Bellot at (312) 353-6425 before visiting the Region 5 Office.

U.S. Environmental Protection Agency, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

**Authority:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

**William E. Muno,**

*Director, Superfund Division, Region 5.*

[FR Doc. 97-31281 Filed 11-26-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-59286]

### Proposed CERCLA Administrative De Micromis Settlement; Waste, Inc.

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative de micromis settlement concerning the Waste Inc., Superfund site in Michigan City, Indiana, with the settling parties included in the Supplementary Information portion of this document. The settlement is