

to a risk-based standard. This Federal Register notice announces the availability of the draft PR Notice and solicits comment on the proposed policy. After reviewing public comments received, EPA may make changes to the Policy and revise the draft PR Notice prior to release.

A record has been established for this action docket number "OPP-00424" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96-882 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-F

[FRL-5401-8]

Proposed CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement for the City Bumper Site

AGENCY: Environmental Protection Agency ("U.S. EPA").

ACTION: Proposal of CERCLA Section 122(h)(1) administrative cost recovery settlement for the City Bumper Site.

SUMMARY: U.S. EPA proposes to address the potential liability of General Dynamics Corporation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Public Law 99-499, for past costs incurred in connection with a federal fund lead removal action conducted at the City Bumper Site ("the Site") located in Cincinnati, Ohio. The U.S. EPA proposes to address the potential liability of General Dynamics by execution of a CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement ("AOC") prepared pursuant to 42 U.S.C. 9622(h)(1). The key terms and conditions of the AOC may be briefly summarized as follows: (1) General Dynamics agrees to pay U.S. EPA \$83,689.00 in satisfaction of claims for past costs incurred at the Site in connection with the removal and disposal of a underground storage tanks ("USTs") and their contents; (2) General Dynamics agrees to waive all claims against the United States that arise out of response activities conducted at the Site; and (3) U.S. EPA affords General Dynamics a covenant not to sue for past costs incurred during the removal action and contribution protection as provided by CERCLA Sections 113(f)(2) and 122(h)(4) upon satisfactory completion of obligations under the Settlement. However U.S. EPA is free to pursue any other necessary and appropriate judicial and administrative relief against General Dynamics. The Site is not on the NPL, and no further response activities at the Site are anticipated at this time. The Attorney General has approved the Settlement.

DATES: Comments on the proposed AOC must be received by U.S. EPA on or before February 23, 1996.

ADDRESSES: A copy of the proposed AOC is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Mike Anastasio at (312) 886-7951, prior to visiting the Region 5 office.

Comments on the proposed AOC should be addressed to Mike Anastasio, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code CS-29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio at (312) 886-7951, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open pursuant to Section 122(i) of CERCLA, 42 U.S.C. 9622(i), for comments on the proposed AOC. Comments should be sent to the addressee identified in this notice.

Valdas V. Adamkus,

Regional Administrator, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 96-1049 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5401-9]

Proposed CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement for the Ninth Avenue Dump Site

AGENCY: Environmental Protection Agency ("U.S. EPA").

ACTION: Proposal of CERCLA Section 122(h)(1) administrative cost recovery settlement for the Ninth Avenue Dump Site.

SUMMARY: U.S. EPA proposes to address the potential liability of the following companies (hereinafter referred to as the "Settling Parties") under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Public Law 99-499, for past and future costs incurred at the Ninth Avenue Dump Site ("the Site") located in Gary, Indiana: American National Can Company; Ashland Chemical Company, a division of Ashland, Inc.; Cargill, Incorporated; Chamberlain Manufacturing Corporation; Crown Cork & Seal Co., Inc., and Continental Can Co.; Flint Ink Corporation; General Electric Company; J.M. Huber Corporation; Mobil Oil Corporation; Monsanto Company; Navistar International Transportation Corp.; PPG Industries, Inc.; Premier Coatings, Inc.; Regal Tube Company, currently doing business as Copperweld Chicago Division of Copperweld Tubing Products Company; RHI Holdings, Inc., as successor to Rexnord, Inc.; Rust-Oleum Corporation; The Sherwin-Williams Company; Valhi, Inc. (Chicago Steel and Wire Division; and The Valspar Corporation/Elliott Paint. The U.S. EPA proposes to address the potential liability of the Settling Parties by execution of a CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement ("AOC") prepared pursuant to 42 U.S.C. 9622(h)(1). The key terms and conditions of the AOC may be briefly summarized as follows: (1) The

U.S. EPA would be reimbursed for all of its outstanding past costs of \$2,545,773.63 incurred at the Ninth Avenue Dump Site; (2) the Settling Parties agree to reimburse the U.S. EPA for all of its future response costs incurred at the Site; (3) the Settling Parties agree not to assert any claims or causes of action against the United States with respect to any matters concerning the Site; and (4) the U.S. EPA affords the Settling Parties a covenant not to sue for past and future response costs and contribution protection as provided by CERCLA Sections 113(f)(2) and 122(h)(4) upon satisfactory completion of their obligations under the Settlement. However, U.S. EPA is free to pursue any other necessary and appropriate judicial and administrative relief against the Settling Parties and any necessary and appropriate judicial and administrative relief against any other party. The Site is on the National Priorities List ("NPL"), and remedial response activities at the Site are continuing. The Attorney General has approved the Settlement.

DATES: Comments on the proposed AOC must be received by U.S. EPA on or before February 23, 1996.

ADDRESSES: A copy of the proposed AOC is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Mike Berman at (312) 886-6837 or Mike Anastasio at (312) 886-7951, prior to visiting the Region 5 office.

Comments on the proposed AOC should be addressed to Mike Berman/ Mike Anastasio, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code CS-29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mike Berman at (312) 886-6837 or Mike Anastasio at (312) 886-7951, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open pursuant to Section 122(i) of CERCLA, 42 U.S.C. 9622(i), for comments on the proposed AOC. Comments should be sent to the addressee identified in this notice.

Valdas V. Adamkus,
Regional Administrator, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 95-1050 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5402-3]

CWA 303(d): Establishment of Phased Total Maximum Daily Loads (TMDLs) for Copper, Mercury, Nickel and Lead in New York-New Jersey Harbor

AGENCY: Environmental Protection Agency, Region II.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region II is hereby issuing final public notice on the establishment of Phased Total Maximum Daily Loads (TMDLs) for copper and mercury in New York-New Jersey Harbor. The TMDLs are being established in cooperation with the States of New York and New Jersey.

DATES: January 24, 1996.

ADDRESSES: Copies of the responsiveness summary and TMDL support documents can be obtained by writing to Ms. Rosella T. O'Connor, Technical Evaluation Section, U.S. Environmental Protection Agency Region II, 290 Broadway, 25th Floor, New York, New York 10006-1866 or calling (212) 637-3711.

The administrative record containing background technical information on the TMDLs developed by EPA, in conjunction with the States of NY and NJ, is on file and may be inspected at the U.S. EPA, Region II office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Arrangements to examine the administrative record may be made by contacting Ms. Rosella O'Connor.

FOR FURTHER INFORMATION CONTACT: Ms. Rosella O'Connor, telephone (212) 637-3711.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Final Determination

I. Background

The New York-New Jersey Harbor is geographically defined as the Hudson River from the Tappan Zee Bridge extending out to the Outer Harbor and including the Harlem River, East River to the Throgs Neck Bridge, Jamaica Bay, Newark Bay, Hackensack River below the Oradell Dam, Passaic River below the Dundee Dam, Kill Van Kull, Arthur Kill, and the Raritan River/Bay below the Fieldville Dam.

Under the auspices of the New York-New Jersey Harbor Estuary Program, the States of New York and New Jersey and EPA joined in a cooperative effort to collect ambient and source data, develop a water quality model to assess relative loadings from all sources (municipal and industrial discharges, storm water, combined sewer overflows,

sediment flux, atmospheric deposition and tributaries), and develop Total Maximum Daily Loads (TMDLs).

Due to the interstate nature of the New York-New Jersey Harbor and the desirability of consistency and equity among dischargers, the State of New Jersey requested that EPA promulgate TMDLs for the New York-New Jersey Harbor. EPA will, therefore, establish TMDLs as a federal action. Except for the Kill Van Kull, New York State has already implemented the necessary water quality-based effluent limits for waterbodies within the Harbor by issuing individual control strategies in the form of modified permits. EPA is establishing TMDLs for the remaining waterbodies for which New York State has not established TMDLs as well as Harbor waterbodies in the State of New Jersey. The EPA promulgation will result in the incorporation of TMDLs into State Water Quality Management Plans. In the State of New Jersey, this promulgation will amend the Northeast, the Lower Raritan/ Middlesex County and the Monmouth County Water Quality Management Plans. In New York State, this promulgation will amend the New York State Water Quality Management Plan.

II. Final Determination

In the proposed public notice (40 FR 41293, August 11, 1994), EPA indicated that the basis of the TMDLs was the most stringent of the applicable NJ or NY standards for mercury (0.025 µg/L), nickel (7.1 µg/L) and lead (8.5 µg/L), expressed as the total recoverable form of the metal. Since that time, EPA issued an Interim Final Rule (60 FR 22228, May 4, 1995), amending the National Toxics Rule. The Interim Final Rule became effective on April 14, 1995. This rule establishes dissolved criteria for nickel and lead in New Jersey. Phase I TMDLs are not being developed for nickel and lead, at this time. Insufficient data were available to determine if TMDLs based on the dissolved nickel and lead criteria were necessary. The mercury criterion will continue to be expressed as total recoverable since it is a fish tissue based criterion. The copper criterion used to develop TMDLs is 5.6 µg/L (expressed as dissolved metal). This value is the most stringent of the two proposed site-specific copper criteria developed (7.9 [acute] and 5.6 [chronic] µg/L dissolved) for the Harbor waters (for additional information regarding the development of the site-specific copper criteria, refer to EPA's document entitled "Development of a Site-Specific Copper Criterion for the NY/NJ Harbor Complex Using the Indicator Species Procedure").