

Dated: November 10, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5920-9]

Investigator-Initiated Grants: Request for Applications

AGENCY: Environmental Protection Agency

ACTION: Notice of request for applications.

SUMMARY: This notice provides information on the availability of the fiscal year 1998 investigator-initiated grants program announcements, in which the areas of research interest, eligibility and submission requirements, evaluation criteria, and implementation schedule are set forth. Grants will be competitively awarded following peer review.

DATES: Receipt dates vary depending on the specific research area within the solicitation and are listed below.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, National Center for Environmental Research and Quality Assurance (8703R), 401 M Street SW, Washington DC 20460, telephone (800) 490-9194. The complete announcement can be accessed on the Internet from the EPA home page: <http://www.epa.gov/ncerqa>.

SUPPLEMENTARY INFORMATION: In its Requests for Applications (RFA) the U.S. Environmental Protection Agency (EPA) invites research grant applications in the following areas of special interest to its mission: (1) Ecological Indicators, (2) Drinking Water, (3) Air Pollution Chemistry and Physics, (4) Urban Air Toxics, (5) Health Effects and Exposures to Particulate Matter and Associated Air Pollutants, and (6) Decision-making and Valuation for Environmental Policy (joint with the National Science Foundation). Applications must be received as follows: January 15, 1998, for topic (6); January 29, 1998, for topics (3) and (5); February 12, 1998, for topic (4); and February 26, 1998 for topics (1) and (2).

The RFAs provide relevant background information, summarize EPA's interest in the topic areas, and describe the application and review process.

Contact person for the Ecological Indicators RFA is Barbara Levinson

(levinson.barbara@epamail.epa.gov), telephone 202-564-6911; for Drinking Water, William Stelz (stelz.william@epamail.epa.gov), telephone 202-564-6834; for Air Pollution Chemistry and Physics, Urban Air Toxics, and Health Effects and exposures to Particulate Matter and Associated Air Pollutants is Deran Pashayan (pashayan.deran@epamail.epa.gov), telephone 202-564-6913; and for Decision-making and Valuation for Environmental Policy is Deborah Hanlon (hanlon.deborah@epamail.epa.gov), telephone 202-5646836.

Dated: November 3, 1997.

Approved for publication:

S. A. Lingle,

Acting Assistant Administrator for Research and Development.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-9]

Mississippi River/Gulf of Mexico Watershed Nutrient Task Force Meeting

The U.S. Environmental Protection Agency (EPA) Announces the Following Meeting

Name: First Meeting of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force.

Time and Date: 9:30 a.m.-5:00 p.m., December 4, 1997.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, Virginia 22209, telephone 703/524-6400.

Status: Open to the public, limited only by the space available. The room accommodates approximately 150 people.

Purpose: A Task Force consisting of Federal, State, and Tribal members, will lead an effort to coordinate and support nutrient management and hypoxia related activities in the Mississippi River and Gulf of Mexico watersheds.

Matters To Be Discussed: Agenda items include: eutrophication of large areas of the Gulf of Mexico associated with drainage of the Mississippi River Basin; economic and ecological effects of recurring periods of low dissolved oxygen (hypoxia) in the Gulf of Mexico; and coordination of activities to reduce the size, severity, and duration of this phenomenon. The public will be afforded an opportunity to provide comments on these issues. Anyone interested in speaking should contact the person listed below prior to the meeting.

Contact Person for More Information: Dr. Mary Belefski, U.S. EPA, Assessment and Watershed Protection Division (AWPD), 401 M Street, S.W. (4503F), Washington, D.C.

20460, telephone 202/260-7061; Internet: belefski.mary@epamail.epa.gov.

Dated: November 10, 1997.

Dana Minerva,

Deputy Assistant Administrator, Office of Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-5]

Announcement and Notice of Availability of the General Policy on Superfund Ability to Pay Determinations

SUMMARY: As part of EPA's continuing commitment to foster fairness in the enforcement process, the Agency is issuing this policy to explain what is necessary for an acceptable ability to pay (ATP) settlement in Superfund cases. It is EPA's intent to balance the need for settling environmental liability equitably without jeopardizing the viability of a business or creating an undue financial hardship for either businesses or individuals. The main text of the policy document addresses general issues that apply to the ATP process and ATP settlements. The policy document also contains two appendices that address issues specific to making ATP determinations for individuals and businesses. The policy document establishes an "undue financial hardship" standard for determining a party's ability to pay its share of Superfund cleanup costs, and uses a two-part analysis to determine what is an acceptable ATP settlement amount. The first part of the analysis, called the "balance sheet phase," looks at the assets, liabilities, and owners' equity of the ATP Candidate, calculating the amount of money available from excess cash, the sale of assets that are not ordinary and necessary, borrowing against assets, and owners' equity. The second part of the analysis, called the "income and cash flow statement phase," looks at the income and expenses of the party and generally calculates "available income" for a Superfund settlement over a five-year period. In calculating "available income," the analysis takes into account "increased future needs" (i.e., ordinary and necessary expenses that will be incurred by the ATP Candidate that have not been incurred in the past or that were incurred previously but which are expected to be significantly greater than in the past).

FOR FURTHER INFORMATION CONTACT: Policy and Guidance Branch, Policy and Program Evaluation Division, Office of Site Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460. Phone: (202) 564-5115. The policy is available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of the policy can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB97-199731. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

Dated: September 30, 1997.

Barry Breen,

Director, Office of Site Remediation Enforcement.

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Branch, Policy and Program Evaluation Division, Office of Site Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460. Phone: (202) 564-5115. The guidance document is also available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of the policy can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB98-103146. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

Dated: September 30, 1997.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

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Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460 or Bob Brook in the Environmental Enforcement Section of the Department of Justice at (202) 514-2738. This addendum is available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of this document can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB98-103138. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

Dated: September 30, 1997.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance Environmental Protection Agency.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-6]

Announcement and Notice of Availability of the Guidance on EPA Participation in Bankruptcy Cases

SUMMARY: The purpose of this guidance is to identify the factors to be considered by the Environmental Protection Agency in determining whether to participate in a bankruptcy case, including whether to pursue collection of costs or penalties against debtors who have liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or other environmental statutes. This guidance also addresses issues in bankruptcy cases relating to the abandonment of contaminated property, cleanup activities under CERCLA on property included in the bankruptcy estate, and the impact of the automatic stay on different types of administrative and judicial enforcement activities. It supersedes the "Guidance Regarding CERCLA Enforcement Against Bankrupt Parties," OSWER Directive #9832.7 (May 24, 1984) and the "Revised Hazardous Waste Bankruptcy Guidance," OSWER Directive #9832.8 (May 23, 1986).

FURTHER INFORMATION CONTACT: Andrea Madigan, USEPA Region IV, 61 Forsyth Street, Atlanta, GA 30303. Phone: (404) 562-9518. Copies of the document are available from the Policy and Guidance

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-8]

Announcement and Notice of Availability of an Addendum to the "Interim CERCLA Settlement Policy" Issued on December 5, 1984

SUMMARY: This memorandum is an addendum to the "Interim CERCLA Settlement Policy" which was issued by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) on December 5, 1984 (50 FR 5024, February 5, 1985). That policy sets forth the general principles governing settlements with potentially responsible parties under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On June 3, 1996, EPA issued an "Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals." Because that guidance document does not apply to CERCLA cost recovery settlements in which the parties are not agreeing to perform remedial design/remedial action work or a non-time critical removal, EPA and DOJ are issuing the addendum to provide the Regions with direction for addressing potential compromises of CERCLA cost recovery claims due to the existence of a significant orphan share.

FOR FURTHER INFORMATION CONTACT: Laura Bulatao (202-564-6028) or Deniz Ergener (202-564-4233), Office of Site

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-7]

Announcement and Notice of Availability of the Interim Policy on Settlement of CERCLA Section 106(b)(1) Penalty Claims and Section 107(c)(3) Punitive Damages Claims for Noncompliance with Administrative Orders

SUMMARY: This policy is intended to make calculation of civil penalties and punitive damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for purposes of settlement a fair and effective process for deterring noncompliance with EPA's administrative orders. The policy contains an innovative approach toward penalty calculation which takes into account factors particularly relevant to CERCLA cases by incorporating both harm and equitable adjustment factors into a single "harm-recalcitrance" matrix. Factors such as the noncomplier's degree of responsibility for the site and ability to finance compliance with an administrative order are considered early in the calculation process to encourage companies that have greater responsibility for the creation of the CERCLA site and/or are better able to finance a cleanup to step forward and work with other viable potentially responsible parties to take responsibility