

identify electronically within the disk or CD ROM the specific information that is CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition, one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. What Action is the Agency Taking?

Applicants who choose to rely on data citation, rather than submitting their own data to meet EPA data requirements, must assure that the offer-to-pay letters they provide to data submitters satisfy EPA's regulatory requirements as provided in 40 CFR part 152, subpart E. When applicants do not follow these procedures, delays in the processing of registration applications result. In addition, improper offer-to-pay letters can increase the potential for adversarial petition actions brought under 40 CFR 152.99. When applicants do not comply with data citation

requirements, EPA, data submitters, and applicants expend, unnecessarily, significant resources during the application process. In an effort to avoid needless disputes and save the resources of all concerned, the Agency believes it would be helpful to clarify the obligations of data citers.

By providing this guidance, the Agency hopes to streamline the registration process, provide assistance to applicants for pesticide registration, and to help data submitters preserve their data protection rights.

The draft Pesticide Registration Notice does not address the issue of when offers-to-pay must be made or when documentation demonstrating that offers-to-pay have been made must be submitted to the Agency. EPA expects to issue guidance on this related matter through a separate means.

In addition, the Agency will soon make available to the public several letters that have been issued recently regarding data compensation matters. These letters provide useful guidance to the regulated community and the general public, including persons who prepare applications for registration and those who submit data in support of registration actions. The Agency intends to announce the availability of these letters through a separate notice in the **Federal Register**.

List of Subjects

Environmental protection, Administrative practice and procedures, Pesticides and pests.

Dated: November 1, 2002.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 02-28693 Filed 11-12-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7407-8]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act; Nazcon Concrete Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Nazcon Concrete Superfund Site, Beltsville, Prince

George's County, Maryland. The administrative settlement was signed by the Acting Regional Administrator of the United States Environmental Protection Agency (EPA), Region III, on October 31, 2002, and is subject to review by the public pursuant to this document.

The Environmental Protection Agency is proposing to enter into a settlement pursuant to section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(h). The proposed settlement resolves EPA's claim for past response costs under section 107 of CERCLA, 42 U.S.C. 9607 against NAZCON, Inc. for response costs incurred at the Nazcon Concrete Superfund Site, Beltsville, Prince George's County, Maryland. The proposed settlement requires NAZCON, Inc. to pay \$15,000 to the EPA Hazardous Substance Fund.

NAZCON, Inc., as the Settling Party, has executed binding certifications of its consent to participate in this settlement. NAZCON, Inc. has agreed to pay \$15,000 subject to the contingency that EPA may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this notice.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. EPA will consider all comments received and may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

DATES: Comments must be submitted on or before December 12, 2002.

ADDRESSES: Comments should be addressed to the Docket Clerk, United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103, and should reference the Nazcon Concrete Superfund Site, Beltsville, Maryland, U.S. EPA Docket No. CERCLA 03-2002-0255-DC. The proposed settlement agreement is available for public inspection at the United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103. A copy of the proposed settlement agreement can be obtained from Suzanne Canning, Regional Docket Clerk (3RC00), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103, telephone number (215) 814-2476.

EPA's response to any written comments received will be available for public inspection at the United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Suzanne M. Parent, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Office of Regional Counsel (3RC44), 1650 Arch Street, Philadelphia, Pennsylvania, 19103, telephone number (215) 814-2630.

Dated: October 31, 2002.

James W. Newsom,

Acting Regional Administrator, U.S. EPA, Region III.

[FR Doc. 02-28842 Filed 11-12-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7407-7]

Supplemental Information and Extension of Public Comment Period on the General National Pollutant Discharge Elimination System Permits for Log Transfer Facilities in Alaska: AK-G70-0000 and AK-G70-1000

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment and request for additional public comments on general NPDES permits for log transfer facilities in Alaska.

SUMMARY: The Director, Office of Water, EPA Region 10, is extending the comment period on proposed modifications of the two general National Pollutant Discharge Elimination System (NPDES) permits for Alaskan log transfer facilities (LTFs), inconclusive of log storage areas: NPDES permit numbers AK-G70-0000 and AK-G70-1000. In addition, EPA Region 10 is providing clarification on an element in the proposed modifications dealing with bark deposition and application of a Zone of Deposit. Notice of a public comment period on the project area zone of deposit for bark and woody debris, and proposed modifications of the NPDES permits was published in the **Federal Register** on October 22, 2002, 67 FR 64885. Region 10 is extending the public comment period to January 13, 2002.

DATES: Interested persons may submit written comments on the proposed modifications to general NPDES permits AK-G70-0000 and AK-G70-1000 and

on the project area zone of deposit on or before January 13, 2002.

ADDRESSES: Comments must be sent to the attention of Alaskan LTF Public Comments, EPA Region 10 (OW-130), 1200 Sixth Avenue, Seattle, WA 98101. All comments should include the name of the commenter, a concise statement of the comment, and the relevant facts upon which the comment is based.

FOR FURTHER INFORMATION CONTACT: The NPDES Permits Unit, EPA Region 10 Office of Water, Seattle, Washington, at (206) 553-0775.

SUPPLEMENTARY INFORMATION: The EPA published the public notice of its request for comment on the "project area zone of deposit" for LTFs and its proposed modification of two general permits for Alaskan log transfer facilities on October 22, 2002 (67 FR 64885). The October 22, 2002 **Federal Register** Notice announced a 60-day public comment period ending on December 23, 2002. The EPA did not, however, post the administrative record on the internet, provide copies of the record at its listed offices, nor distribute copies of the public notice and draft modified general permits to permittees and other interested parties in a timely fashion. Therefore, the EPA has determined to extend the public comment period to provide for sixty (60) days of comment following this present re-notice of public comment and proposed permit modification.

In addition to extending the comment period, the EPA seeks to clarify the October 22 **Federal Register** Notice (67 FR 64885) in regard to issues associated with the regulation of continuous coverage of bark and woody debris inside of the project area zone of deposit authorized by the State of Alaska Department of Environmental Conservation (ADEC). The EPA asks that commenters provide comment on the practical, technical, economic, environmental and legal considerations regarding one of two alternative permit conditions to address the physical and environmental impacts associated with continuous coverage of the seafloor by bark and woody debris that is discharged from LTFs. The two alternatives being considered by EPA are: (1) A 1 acre threshold on continuous bark coverage that, once exceeded, would require the development and implementation of a remediation plan overseen by ADEC; or (2) a 1 acre *limit* on continuous bark coverage in the two general NPDES permits, which if exceeded, would be a violation of the permit.

The first alternative is to provide a *threshold* of 1 acre of continuous bark

coverage that would serve as an area of initiation for the development and implementation of a *remediation* plan to control and reduce the deposition of additional bark and woody debris that might contribute to the continuous coverage of additional area of seafloor in excess of 1 acre. The 1 acre *threshold for remediation* was provided by the ADEC in its certification of reasonable assurance that the general NPDES permits would meet the Alaska Water Quality Standards pursuant to Section 401 of the Clean Water Act. The ADEC has indicated that the 1 acre threshold was established in the Timber Task Force Guidelines and was meant to be a threshold for regulatory discretion to determine if cleanup was required, but was not intended to be a legal limit in a NPDES permit. Specifically, from Alaska Timber Task Force's (1985), Log transfer facility siting, construction, operations and monitoring/reporting guidelines (p. 11, section C6): "*Bark accumulation:* The regulatory agency(ies) will impose an interim intertidal and submarine threshold bark accumulation level. When accumulations exceed the threshold level, cleanup—if any—will occur at the discretion of the permitting agency(ies). The interim threshold bark accumulation level is described as 100% coverage exceeding both 1 acre in size and a thickness greater than 10 cm (3.9 inches) at any point."

The second alternative is to provide a limit of 1 acre of continuous bark coverage no deeper than 10 centimeters at any point that would serve as a maximum area of coverage under the NPDES permit. The 1 acre *limit of maximum continuous coverage* was provided by the EPA in its proposed modification of the two general permits on October 22, 2002, based on information developed by the Timber Task Force Guidelines on the impacts of discharges of bark and woody debris and previous ADEC Section 401 Certifications. Please refer to the October 22, 2002 **Federal Register** Notice (67 FR 64885) for a more detailed discussion of the alternatives for controlling continuous coverage of the seafloor by bark and woody debris from LTFs.

The EPA also draws attention to an issue of the appropriate precision used in the term "1 acre." The EPA's present October 22, 2002 **Federal Register** Notice uses the value "1.0 acre," a more precise definition of the exact extent of bark coverage. The EPA asks for additional comment on which of these approaches to measurement precision is best.