

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2007-0266; FRL-8308-5]

Agency Information Collection Activities; Proposed Collection; Comment Request; Proficiency Testing Studies for Drinking Water Laboratories; EPA ICR No. 2264.01, OMB Control No. 2040-New**AGENCY:** Environmental Protection Agency.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 2, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2007-0266, by one of the following methods:

<bullet≤ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

<bullet≤ *E-mail:* OW-Docket@epa.gov.

<bullet≤ *Mail:* Send three copies of your comments and any enclosures to: Water Docket, United States Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2007-0266.

<bullet≤ *Hand Delivery:* Deliver your comments to Water Docket, EPA Docket Center, Environmental Protection Agency, Room B334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA-HQ-OW-2007-0266. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OW-2007-0266. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you

consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT: David J. Munch, Technical Support Center, Office of Ground Water and Drinking Water, United States Environmental Protection Agency, Office of Water, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268, telephone (513) 569-7843; e-mail address munch.dave@epa.gov. For general information, contact the Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426-4791. The Hotline is open Monday through Friday, excluding legal holidays, from 8:30 a.m. to 4:30 p.m., Eastern time.

SUPPLEMENTARY INFORMATION:**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2007-0266, which is available for online viewing at www.regulations.gov, or in person viewing at the Water Docket, EPA/DC, EPA West, Room B334, 1301 Constitution Avenue, NW., Washington, DC. This Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the Water Docket is (202) 566-2426.

Use www.regulations.gov to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access

those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When 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 and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of 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 the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: The enforcement of drinking water regulations is conducted by Primacy Agencies. These Primacy Agencies are generally the States, but in the cases where the drinking water utilities are located either in a State that has not accepted primacy or in a U.S. territory, the EPA Regional office for the area serves as the Primacy Agency. Entities potentially affected by this action are laboratories seeking drinking water Primacy Agency (usually State) certification/accreditation for the analysis of drinking water samples.

Title: Proficiency Testing Studies for Drinking Water Laboratories.

ICR numbers: EPA ICR No. 2264.01, OMB Control No. 2040-NEW.

ICR status: This ICR is for a new information collection activity. 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 in title 40 of the CFR, and after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Proficiency Testing (PT) studies provide an objective demonstration that participating laboratories are capable of producing valid data for monitored pollutants. PT studies that relate to drinking water analyses are mandated under 40 CFR 141.23(k)(3), 141.24(f)(17) and 141.131(b)(2). EPA initiated these studies and originally administered them as part of the Agency's mandate to assure the quality of environmental monitoring data. Subsequently, all of these studies were privatized. PT vendors manufacture and distribute samples to the participating laboratories who then submit their analytical results to these vendors for evaluation. The PT vendors then send evaluations of the submitted data to the laboratory and any other designated certifying/accrediting authority.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 7.32 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or

for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 2,363.

Frequency of response: Annually.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 17,291 hours.

Estimated total annual costs: \$1,382,127. This includes an estimated burden cost of \$474,072 and an estimated cost of \$908,055 for capital investment or maintenance and operational costs (associated with the cost of purchasing standards from PT vendors).

What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: April 26, 2007.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8308-3]

Agreement for Recovery of Response Costs and Covenant Not To Sue Under the Comprehensive Environmental Response, Compensation, and Liability Act Regarding the Dover Municipal Well #4 Superfund Site, Dover, Morris County, NJ

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and request 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. 9601 et seq., the U.S. Environmental Protection Agency ("EPA") announces a proposed administrative settlement to resolve claims under CERCLA. This settlement is intended to resolve the liability of a responsible party for certain response costs incurred and to be incurred by EPA at the Dover Municipal Well #4 Superfund Site located in Dover, Morris County, New Jersey ("Site"). The proposed administrative settlement is contained in an Agreement for Recovery of Past Response Costs ("Agreement") between Marie Pennella ("the Settling Party") and EPA. By this Notice, EPA is informing the public of the proposed settlement and of the opportunity to comment.

The Site includes Municipal Well #4, which was closed in 1980 after the discovery of volatile organic compounds in the well water. The Site also includes an approximately one quarter-acre parcel ("the Property") owned by the Settling Party. A dry cleaning facility formerly operated on the Property, and the Property is a source of contamination of the groundwater found in Municipal Well #4.

EPA is the lead agency responsible for cleanup of the Site, and the New Jersey Department of Environmental Protection ("NJDEP") serves as the support agency. In 1992, EPA issued a Record of Decision ("ROD") selecting a remedy for the groundwater. In 2005, EPA issued a second ROD selecting the remedy for the contaminated soil and modifying the remedy for the deeper groundwater.

Section 122(h) of CERCLA authorizes EPA to consider, compromise and settle certain claims incurred by the United States. NJDEP has also incurred certain costs at the Site. This is an ability to pay settlement. Under the terms of the