

with respect to the Site or this Order, including, but not limited to:

(1) any direct or indirect claim for reimbursement from the Hazardous Substance Superfund (established pursuant to the Internal Revenue Code, 26 U.S.C. 9507) through Sections 106(b)(2), 111, 112 or 113 of CERCLA, 42 U.S.C. 9606(b)(2), 9611, 9612 or 9613;

(2) any claim arising out of response activities at the Site; and

(3) any claim against the United States pursuant to Sections 107 or 113 of CERCLA, 42 U.S.C. 9607 or 9613, relating to the Site.

34. Nothing in this Order shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. 9611, or 40 CFR § 300.700(d).

35. The Respondent also waives any challenge it may have to any response action selected in any Action Memorandum, Interim Record of Decision or final Record of Decision for the Site.

XIII. Effect of Settlement; Contribution Protection

36. Nothing in this Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Order may have under applicable law. The United States and the Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

37. Respondent consents and agrees to comply with and be bound by the terms of this Order. The United States and the Respondent agree that this Order, Respondent's consent to this Order and actions in accordance with this Order shall not in any way constitute or be construed as an admission of any liability by Respondents or of any legal or factual matters set forth in this Order. Further, neither this Order, Respondent's consent to this Order, nor Respondent's actions in accordance with this Order shall be admissible in evidence against Respondent without its consent, except in a proceeding to enforce this Order. Respondent does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts and

Determinations contained in this Consent Order.

38. With regard to claims for contribution against the Respondent, the Parties hereto agree that, as of the effective date this Order, the Respondent and its predecessors-in-interest, affiliates, successors and assigns, including Hydrometrics, Inc., is entitled to such protection from contribution actions or claims as is provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5) for "matters addressed" in this Consent Order. "Matters addressed" by this Order shall include all claims the United States could bring or any other civil or administrative action the United States could take against the Respondent or its predecessors-in-interest, affiliates, successors and assigns, including Hydrometrics, Inc., for injunctive relief or for reimbursement of response costs pursuant to Section 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a) or Section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6973, related to the Site.

XIV. Public Comment

39. This Order shall be subject to a thirty-day public comment period in accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i). In accordance with Section 122(i)(3), 42 U.S.C. 9622(i)(3), EPA may withdraw or modify its consent to this Order if comments received disclose any facts or considerations which indicate that this Order is inappropriate, improper, or inadequate.

XV. Attorney General Approval

40. The Attorney General or her designee has approved the settlement embodied in this Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4).

XVI. Effective Date

41. The effective date of this Order shall be the date upon which the Assistant Regional Administrator, EPA Region VIII notifies the Respondent that the public comment period undertaken pursuant to Paragraph 39 of this Order has closed and that comments received, if any, do not require EPA's withdrawal from or the modification of any terms of this Order.

It is so agreed:

ASARCO Incorporated

Dated: February 2, 1997.

Michael O. Varner,

Vice President, Environmental Operations.

It is so ordered and agreed:

Environmental Protection Agency, Region VIII.

Dated: September 2, 1997.

Martin Hestmark for Carol Rushin,
Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice.

[FR Doc. 97-30822 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5926-9]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding Glacier Petroleum, Inc., Emporia, KS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment regarding Glacier Petroleum, Inc., Emporia, Kansas.

SUMMARY: EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1321(b)(6), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1321(b)(6)(C).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On September 26, 1997, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint:

In the Matter of, Glacier Petroleum, Inc. Emporia, Kansas; CWA Docket No. VII-97-W-0053.

The Complaint proposes a penalty of Thirty-five Thousand Nine Hundred Five Dollars (\$35,905) for the discharge of crude oil into or upon the navigable waters of the United States or adjoining shorelines in violation of Section 311(b)(3) of the Clean Water Act.

DATES: In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to December 24, 1997.

FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Venessa Cobbs, Regional Hearing Clerk at (913) 551-7630.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by Glacier Petroleum, Inc. is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: November 13, 1997.

Dennis Grams,

Regional Administrator.

[FR Doc. 97-30815 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5926-8]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment Regarding OXY USA, Inc., Tulsa, OK

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment regarding OXY USA, Inc., Tulsa, Oklahoma.

SUMMARY: EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1321(b)(6), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1321(b)(6)(C).

Class II proceedings are conducted under EPA's Consolidated Rules of

Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On September 25, 1997, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint:

In the Matter of, OXY USA, Inc., Tulsa, Oklahoma; EPCRA Docket No. VII-97-W-0036.

The Complaint proposes a penalty of Twelve Thousand Dollars (\$12,000) for the discharges of hazardous substances in violation of Section 311(b)(3) of the Clean Water Act.

DATES: In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to December 24, 1997.

FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by OXY USA, Inc. is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: November 14, 1997.

Dennis Grams,

Regional Administrator.

[FR Doc. 97-30817 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

November 18, 1997.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission

OMB Control No.: 3060-0802.

Expiration Date: 05/31/1998.

Title: Administration of the North American Numbering Plan, Order on Reconsideration, CC Docket No. 92-237 (Message Intercept Requirement).

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 1400 respondents; 9 hours per response (avg.); 12,600 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion.

Description: In response to concern expressed in the reconsideration record that LECs should develop intercept messages to inform dial-around customers that they need to dial additional digits, the *Order on Reconsideration* in CC Docket No. 92-237, titled, "Administration of the North American Numbering Plan," requires that LECs offer a standard intercept message beginning on or before June 30, 1998, explaining that a dialing pattern change has occurred and instructing the caller to contact its IXC for further information. In developing an intercept message, LECs must consult with IXCs and reach agreement on the content of the message and on the period of time during which the message will be provided. The Commission leaves to resolution by the parties decisions about who should have the ultimate responsibility for determining the content of the intercept message and the period of time during which the message must be offered. The Commission states that it will resolve any disputes arising from parties' inability to reach agreement on such matters. Finally, the Commission