

Agency, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107.

**SUPPLEMENTARY INFORMATION:**

**Notice of De Minimis Settlement**

In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of proposed amendments to the Tonolli first and second *de minimis* administrative settlements concerning the Tonolli Corporation Site in Nesquehoning, Pennsylvania. The amendments to the administrative settlements were signed by the United States Environmental Protection Agency, Region III's Acting Regional Administrator. Given that the amendment to the Tonolli first *de minimis* administrative settlement includes settlement with three new parties, and re-settles with two prior signatories based on ability to pay, the amendment is subject to review by the public pursuant to this Notice. Given that the amendment to the Tonolli second *de minimis* settlement addresses re-settling with a prior signatory based on ability to pay, the amendment is subject to review by the public pursuant to this Notice. The agreements are also subject to the approval of the Attorney General, United States Department of Justice or her designee. Below are listed the parties who have executed binding certifications of their consent to participate in the amendment to the Tonolli first *de minimis* settlement:

Altoona Iron & Metal  
Atlantic Battery Corporation  
Buckeye Metals Corp.  
General Metals and Smelting Company  
Lexa Metal Corp.  
Stump's Scrap Yard  
Trojan Battery Company  
U.S. Auto Radiator Manufacturer Co.  
Vincent Pace Scrap Metals, Inc.

These 9 parties collectively agreed to pay \$153,157.27 towards costs expended by EPA at the Tonolli Corporation Site, in addition to payment of a total of \$12,750.00 in stipulated penalties by two of the parties.

Four of the *de minimis* parties to the amendment to the first *de minimis* settlement listed above, who had initially signed the first *de minimis* settlement, will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the Tonolli Corporation Site, and an appropriate premium in accordance with Agency policy (Atlantic Battery Corporation, Buckeye Metals Corp., General Metals and Smelting Company, U.S. Auto Radiator Manufacturer Co.). The other two *de minimis* parties who had

initially signed the first *de minimis* settlement are paying a lesser amount than their volumetric share, based on ability to pay (Lexa Metal Corp., Stump's Scrap Yard). Three of the nine *de minimis* parties listed above who were not originally signatories to the first *de minimis* settlement are now settling. One party is required to pay its volumetric share of the Government's past response costs and the estimated future response costs and an appropriate premium in accordance with Agency policy at the Tonolli Corporation Site (Trojan Battery Company). The other two new parties are paying a lesser amount than their volumetric share, based on ability to pay (Altoona Iron & Metal, Vincent Pace Scrap Metals, Inc.).

Bethlehem Motors is the party that has executed a binding certification of its consent to participate in the amendment to the Tonolli second *de minimis* settlement. Bethlehem Motors was originally a signatory to the second *de minimis* settlement, but it was unable to pay its volumetric share of response costs. Consequently, EPA is re-settling with Bethlehem Motors for \$1.00 based on its ability to pay.

These agreements are subject to the contingency that the Environmental Protection Agency may elect not to complete the settlements based on matters brought to its attention during the public comment period established by this Notice.

EPA is entering into these agreements under the authority of Sections 122(g) and 107 of CERCLA, 42 U.S.C. 9622(g) and 9607. Section 122(g) of CERCLA, 42 U.S.C. 9622(g), authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities under, inter alia, Section 107 of CERCLA, 42 U.S.C. § 9607, to reimburse the United States for response costs incurred in cleaning up Superfund sites without incurring substantial transaction costs. Under this authority the Environmental Protection Agency proposes to settle with potentially responsible parties at the Tonolli Corporation Site who are responsible for less than 1% percent of the volume of hazardous substances at the Site.

The Environmental Protection Agency will receive written comments to these proposed amendments to administrative settlements for thirty (30) days from the date of publication of this Notice. A copy of the proposed amendments to Administrative Orders on Consent III-92-35-DC and III-93-03-DC can be obtained from the Environmental Protection Agency, Region III, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107 by contacting

Lydia Isales, Senior Assistant Regional Counsel, at (215) 597-9951.

W.T. Wisniewski,  
Acting Regional Administrator, EPA, Region III.

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**FEDERAL COMMUNICATIONS COMMISSION**

**Public Information Collection Approved by Office of Management and Budget**

February 5, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96-511. 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.: 3060-0298.

Expiration Date: 07/31/97.

Title: Tariffs (Other Than Tariff Review Plan)—Part 61.

Estimated Annual Burden: 972,423 total annual hours; average 203 hours per respondent; 2,000 respondents.

Description: Part 61 rules are designed to ensure that all tariffs filed by common carriers are formally sound, well organized, and provide the Commission and the public with sufficient information to determine the justness and reasonableness as required by the Act. The Commission modified Part 61 to implement a separate basket for local exchange carriers (LECs) providing video dialtone service. Video dialtone service differs sufficiently from basic telephone services in the other price cap baskets to warrant the creation of its own basket. The tariffs and cost support information will be used by the FCC staff to ensure that the tariff rates to be paid for basic video dialtone services are just, reasonable, and nondiscriminatory, as Sections 201 and 202 of the Communications Act require.

Federal Communications Commission.

William F. Caton,  
Acting Secretary.

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