

person whose name appears on the official service list. Further, if a party or intercedar files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit: A project tour is planned for June 4th and 5th. Those who wish to attend contact David Schwall of PacifiCorp at (503) 464-5345 by May 31st to sign up and receive further information and directions. Attendees will meet at the North Umpqua Forest Office located at 2900 Stewart Parkway at 8:00 am.

For Further Information Contact:
Vince Yearick, FERC-OHL (202) 219-3073.

Linwood A. Watson, Jr.,
Acting Secretary.

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[Project No. 10813-011]

City of Summerville; Notice of Availability of Draft Environmental Assessment

April 30, 1996.

A draft environmental assessment (DEA) is available for public review. The DEA is for an application to amend the Summerville Hydroelectric Project. The application is to (1) substitute two turbine/generator units for the four units in the license; (2) revise the project boundary to include 9.6 miles of new transmission line in place of the licensed 8-mile transmission line; and (3) delete license article 303. The proposed amendment would not affect project capacity. The licensee requested the amendment because the original proposal was not economically feasible. The DEA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment. The Summerville Hydroelectric Project is located on the Gauley River in Nicholas County, West Virginia.

The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the DEA can be viewed at the Commission's Reference and Information Center, 888 First Street NE., Washington, D.C. 20426. Copies can also be obtained by calling the project manager listed below.

Please submit any comments within 20 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon

studies, reports or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426. Please affix Project No. 10813-011 to all comments. For further information, please contact the project manager, Heather Campbell, at (202) 219-3097.

Linwood A. Watson, Jr.,
Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5502-3]

Responsiveness Summary to Comments on Proposed De Minimis Settlements, Peerless Industrial Paint Coatings Site, St. Louis, MO

AGENCY: Environmental Protection Agency.

ACTION: Publication of the summary of comments on proposed *de minimis* settlements, Peerless Industrial Paint Coatings Site, St. Louis, Missouri.

SUMMARY: The United States Environmental Protection Agency (EPA) has proposed *de minimis* settlements with four potentially responsible parties (PRPs) at the Peerless Industrial Paint Coatings Site in St. Louis, Missouri. These settlements have been proposed pursuant to Section 122(g)(1)(B) of the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9622(g)(1)(B) (CERCLA). The comment period for the proposed *de minimis* settlements was open from December 13, 1995 to January 12, 1996. EPA received one comment during the comment period from Boise Cascade Corporation. In addition, EPA received a telephone call and a letter from Boise Cascade Corporation on or about November 16 and November 20, 1995. In its comment letter of January 8, 1996, Boise Cascade Corporation first questions EPA's decision not to inform it and other potentially responsible parties (PRPs) of the negotiation of the *de minimis* settlements until after the settlements were reached. Secondly, it questions the identity of other parties EPA considered to be eligible for a *de minimis* settlements and why any other settlements with *de minimis* parties

were not negotiated. Thirdly, it objects to the *de minimis* settlements because it does not know the basis that EPA used for determining which PRPs were eligible for the *de minimis* settlements, the method for accounting for the orphan share, nor the premiums paid by the *de minimis* parties.

EPA's Response to Boise Cascade Corporation's Comments: No New Information Was Provided

To address Boise Cascade Corporation's first comment, Section 122(i)(1) of CERCLA provides that a public comment period shall be provided in the Federal Register for any settlements reached pursuant to Section 122(g) of CERCLA. There is no statutory requirement that PRPs be notified in advance of the published notice in the Federal Register nor be a participant in EPA's negotiations of *de minimis* settlements, to which they are not a party. After negotiations with the *de minimis* parties are concluded, the public comment period provided by Section 122(i)(1) of CERCLA is the process for EPA to receive comments.

To address the second and third comments, Section 122(g)(1)(A) of CERCLA allows *de minimis* settlements to be offered if the settlements involve a minor portion of the response costs at the Site and the amount and toxicity of the hazardous substances contributed to the Site by the party are minimal. EPA made a settlement offer to those *de minimis* parties that generated 1.665% or less of the hazardous substances that were removed from the Site. The calculation was based upon documentation developed during the removal action which attributed waste by each contributor. The toxicity of all the hazardous substances found at the Site was relatively the same; the hazardous substances at the Site demonstrated the characteristic of ignitability. The information described herein that Boise Cascade Corporation seeks regarding the identity of *de minimis* parties, information determining the eligibility of *de minimis* parties, and premiums paid is public information; Boise Cascade Corporation could have requested such information prior to making its comment.

To address the remaining issues raised in the third comment, EPA has not determined that an orphan share exists. EPA would account for the orphan share during the allocation pilot process that this Site is scheduled to undergo as part of EPA's administrative reforms. The *de minimis* settlements agreements reveal the premiums paid; a premium was calculated on the basis of anticipated future costs and the *de*