

Other Nonutility Generators (including Independent Power Producers) without a designated franchised service area, and which do not file forms listed in the Code of Federal Regulations, Title 18, Part 141." For the purposes of this screener questionnaire EPA has defined other nonutility generators to include independent power producers (IPP) which are wholesale electricity producers other than qualifying facilities under Public Utility Regulatory Policy Act (PURPA), that are unaffiliated with franchised utilities in the area in which the IPP's are selling power and that lack significant marketing power. IPPs do not possess transmission facilities and do not sell power in any retail service territory where they have a franchise.

Finally, EPA will maintain a temporary, no-charge telephone number that survey recipients may call to obtain assistance in completing the data collection surveys. EPA believes that the no-charge telephone number will greatly reduce burden by helping recipients to answer specific questions within the context of their individual operations.

Dated: September 3, 1997.

**Tudor T. Davies,**

*Director, Office of Science and Technology.*  
[FR Doc. 97-24835 Filed 9-17-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5894-1]

**Open Meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of open meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group.

**SUMMARY:** As required by section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of the fifth meeting of the Industrial Non-Hazardous Waste Policy Dialogue Committee, also known as the Industrial Non-Hazardous Waste Stakeholders Focus Group. The purpose of this committee is to advise EPA and ASTSWMO (the Association of State and Territorial Solid Waste Management Officials) in developing voluntary guidance for the management of industrial non-hazardous waste in landfills, waste piles, surface impoundments, and land application units. The Focus Group will facilitate the exchange of information and ideas

among the interested parties relating to the development of such guidance. The purpose of the fifth meeting will be to continue discussion of issues related to the development of such guidance. Issues to be discussed include land application, corrective action, potential air emission risk tools/controls, and additional ground-water modeling/risk results (i.e., leachate concentration threshold values for the Tier I national approach and the user interface screens associated with the Tier II location adjustment approach). In addition, time will be set aside on the agenda to receive Focus Group comments on additional chapters that have been previously discussed within the Focus Group. There will also be a short presentation of the CD-ROM being developed as part of this project. The CD-ROM will be the electronic version of the voluntary guidance being developed. There will be an opportunity for limited public comment at the end of each day of the meeting.

**DATES:** The committee will meet on October 8 and 9, 1997, from 9:00 a.m. to 5:00 p.m. on October 8, and from 8:30 a.m. to 3:00 p.m. on October 9.

**ADDRESSES:** The location of the meeting is the Hotel Washington, 515 15th Street, NW, Washington, D.C. 20004. The phone number is 202-638-5900. The seating capacity of the room is approximately 60 people, and seating will be on a first-come basis. Supporting materials are available for viewing at Docket #F-96-INHA-FFFFF in RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$.15/page. The material to be discussed at the October Focus Group meeting will be available for viewing in the above docket on and after September 24, 1997. For general information, contact the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). In the Washington metropolitan area, call 703-412-9610 to TDD 703-412-3323.

**FOR FURTHER INFORMATION CONTACT:**

Persons needing further information on the committee should contact Paul Cassidy, Municipal and Industrial Solid Waste Division, Office of Solid Waste, at (703) 308-7281.

**SUPPLEMENTARY INFORMATION:**

**Background**

EPA and ASTSWMO have formed a State/EPA Steering Committee to jointly develop voluntary facility guidance for the management of industrial nonhazardous waste in land-based disposal units. The purpose of the guidance document is to provide a guide to facility managers so that they can provide safe industrial waste management. The guidance document will address such topics as appropriate controls for ground-water protection, liner designs, air emissions, run-on/run-off, public participation, daily operating practices, monitoring and corrective action, and closure and post-closure considerations.

The State/EPA Steering Committee has convened this Stakeholders Focus Group to obtain recommendations from individuals who are member of a broad spectrum of public interest groups and affected industries. All recommendations from Focus Group participants will be forwarded to the State/EPA Steering Committee for considerations, as the Stakeholders' Focus Group will not strive for consensus. The State/EPA Steering Committee will also provide an opportunity for public comment on the draft guidance document.

Copies of the minutes of all Stakeholders Focus Group meetings will be made available through the docket at the RCRA Information Center, including minutes of the previous four Focus Group meetings, which were held on April 11-12, 1996, September 11-12, 1996, February 19-20, 1997, and May 20-21, 1997.

Dated: September \_\_, 1997.

**Matthew Hale,**

*Acting Director, Office of Solid Waste.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5893-9]

**Proposed Administrative Order on Consent; Denver Radium—Operable Unit VIII Site, Denver County, CO**

**AGENCY:** Environmental Protection Agency (U.S. EPA).

**ACTION:** Proposed section 122 (g)(4) and (h)(1) settlement.

**SUMMARY:** In accordance with the requirements of section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability

Act, as amended (CERCLA), notice is hereby given of a proposed settlement agreement under section 122(g)(4) and (h)(1) concerning the Denver Radium/Operable Unit VIII Site in Denver County, Colorado (the Site). The proposed Administrative Order on Consent (AOC) requires a potentially responsible party (PRP), Burlington Northern and Santa Fe Railway Company, to pay a total of \$75,000 to resolve its liability to the U.S. EPA related to response actions taken or to be taken at the Site.

**DATES:** Comments must be submitted on or before October 20, 1997.

**ADDRESSES:** Comments should be addressed to Wendy Silver, (8ENF-L), Legal Enforcement Program Attorney, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, and should refer to: In the Matter of: Denver Radium/Operable Unit VIII Site Administrative Settlement Agreement No. CERCLA VIII-97-70.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Thomas (8EPR-SR), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, (303) 312-6552.

**SUPPLEMENTARY INFORMATION:** Notice of section 122(g)(4) and (h)(1) Administrative Order on Consent Settlement: in accordance with section 122(g)(4) and (h)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (AOC) for a Settlement Agreement have been agreed to by the settling parties.

By the terms of the proposed AOC, the settling party will pay \$75,000 to the EPA Hazardous Substance Superfund. In exchange for payment, U.S. EPA will provide the settling party a covenant not to sue for liability under sections 106 and 107(a) of CERCLA.

The Burlington Northern and Santa Fe Railway Company is the owner of the railroad right-of-way. The Respondent represents, and for the purposes of the settlement agreement, EPA accepts, that the Respondent's involvement with the Site is limited to ownership of the approximately 4.3 acre railroad right-of-way from 1887 until the present. The respondent did not conduct or permit the generation, storage, treatment, or disposal of any hazardous substance at Operable Unit VIII, and did not contribute to the release or threat of release of a hazardous substance at Operable Unit VIII through any act or omission. The amount that the settling party will pay was determined by allocating a percentage of response costs for the Denver Radium/Operable Unit

VIII Site. All clean-up work on the Burlington Northern and Santa Fe Railway Company property was completed by August 1993. Approximately, 5% of the volume of Operable Unit VIII contamination and .8% of sitewide contamination was found on the property owned by the Burlington Northern and Santa Fe Railway Company (formerly Atchison, Topeka, and Santa Fe Railroad Company). The Denver Radium Operable Unit VIII costs were calculated based on cost documentation and cost allocation performed by Region VIII's Cost Recovery staff.

U.S. EPA will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed administrative settlement agreement.

A copy of the proposed AOC may be obtained in person or by mail from Sharon Abendschan, Enforcement Specialist (ENF-T), Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, (303) 312-6957. Additional background information relating to the administrative settlement agreement is available for review at the Superfund Records Center at the above address.

Dated: September 9, 1997.

**Martin Hestmark,**

*Acting Assistant Regional Administrator,  
Office of Enforcement, Compliance and  
Environmental Justice.*

[FR Doc. 97-24838 Filed 9-17-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5893-7]

### Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding Wallace W. Stone, Lake of the Ozarks, MO

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding Wallace W. Stone, Lake of the Ozarks, Missouri.

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

Under 33 U.S.C. 1319(g), 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. 1319(g)(4)(A).

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 this public notice.

On August 11, 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 Wallace W. Stone, CWA Docket No. VII-97-W-0024.

The Complaint proposes a penalty of Forty Thousand Five Hundred Eighteen (\$40,518) Dollars for discharging pollutants into waters of the United States without a permit as required by Section 404 of the Clean Water Act.

**FOR FURTHER INFORMATION:** 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 Wallace W. Stone is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this notice.

Dated: September 4, 1997.

**William Rice,**

*Acting Regional Administrator.*

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