

Weight	Elements 1–5 (Maximum Score for Elements 1–5 = 500)	Value	Score
15	(4) <i>Describes a performance evaluation process and reporting schedule.</i> FACTORS: —Includes specific factors by which performance can be evaluated. —Includes submission of a final report. COMMENTS:		
15	(5) <i>Identifies roles and responsibilities of the recipient and any project partners in carrying out work plan commitments.</i> FACTORS: —Identifies specific level of effort for responsible parties for each work plan component. —Identifies parties who will take the lead in carrying out the work plan commitments for each work plan component. COMMENTS:		
Criteria 6–9 (Maximum Score for Criteria 6–9 = 200)			
20	(6) The project is listed as a priority implementation project or is located in a priority watershed identified in the Tribal NPS management program. If Yes, Value = 5 If No, Value = 0		
10	(7) The project includes cooperation and/or a combination of resources with other programs, parties, and agencies to provide additional technical and/or financial assistance. If Yes, Value = 5 If No, Value = 0		
5	(8) The project is designed to achieve load allocations for which an approved NPS TMDL has been developed (or the NPS components of mixed-source TMDLs). If Yes, Value = 5 If No, Value = 0		
5	(9) The project is designed to implement a watershed-based plan that is designed to restore NPS-impaired waters. FACTORS: —The extent to which the plan includes each component of a watershed-based plan as identified in EPA's FY 2004 Nonpoint Source Program and Grants Guidelines for States and Territories. COMMENTS:		
TOTAL SCORE			

Any Additional Comments:

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–7851–7]

Revised Guidance on Procedures for Submission and Review of CERCLA Section 106(b) Reimbursement Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of revised guidance document.

SUMMARY: Section 106(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(b)(2), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), allows any person who has complied with an administrative order issued under section 106(a) of CERCLA to petition for reimbursement of the

reasonable costs incurred in complying with the order, plus interest. To establish a claim for reimbursement, a petitioner must demonstrate that it was not liable for response costs under CERCLA section 107(a), or that EPA's selection of the ordered response action was arbitrary and capricious or was otherwise not in accordance with law. The authority to decide whether to grant such petitions has been delegated by the President to the EPA Administrator, and redelegated to EPA's Environmental Appeals Board (EAB) under EPA Delegation of Authority CERCLA 14–27 (June 1994).

The EAB issued procedural guidance (CERCLA Guidance) regarding the procedures for submission and review of petitions for reimbursement in June 1994. Based on its experience with reimbursement petitions after June 1994, the EAB issued revised CERCLA Guidance on October 9, 1996. The EAB issued a further revised version of its CERCLA Guidance on November 10, 2004. This Notice informs the general public of the availability of the November 10, 2004 revised CERCLA Guidance. The full text of the revised

CERCLA Guidance is available on the EAB's Web site, <http://www.epa.gov/eab>, by clicking on "EAB Guidance Documents." Copies of the document can also be obtained by calling Eurika Durr, Clerk of the Board, at the telephone number and e-mail address noted below.

FOR FURTHER INFORMATION CONTACT: For further information or for copies of the November 10, 2004 revised CERCLA Guidance, contact Eurika Durr, Clerk of the Board. Telephone number: (202) 233–0122. E-mail: Durr.Eurika@epa.gov.

Dated: December 14, 2004.

Kathie A. Stein,

Environmental Appeals Judge.

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